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The Colonization of Texas: 1820-1830

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THE COLONIZATION OF TEXAS 1820 - 1830

by

Eugene A. Gittinger, S.M.

A thesis submitted in partial fulfillment of
the requirements for the degree of Master of
Arts in

Loyola University
1 9 4 0

PREFACE

The colonization of Texas was part of the greater westward movement of the people of the United States. Frederick Jackson Turner has significantly pointed out that "American History has been in a large degree the history of colonization of the Great West." It was while studying and observing this great western movement that I became interested in learning more of that movement in the particular region of Texas. This field of study has been plowed and cultivated by well known historians, George P. Garrison, Herbert E. Bolton, and especially Eugene C. Barker. Many others, too numerous to mention, have added their share of research but rich fields are still to be found. Barker's "Life of Stephen F. Austin" covers the field which I have attempted to study but his particular emphasis is on the man and his work rather than on the movement itself. If this small work should aid in telling the simple story of the colonization of Texas I shall feel well repaid for my efforts.

To the custodians of the University of Texas Library, The Bexar Archives, The General Land Office, The Texas State Library, all of Austin Texas; to The

Jefferson Memorial Library of St. Louis, Missouri;
to The Anne Howard Parrot (Howard Memorial) Library
of New Orleans, Louisiana, the Archives of the City
of New Orleans; and to Newberry Library and Loyola
University of Chicago, I offer my sincere thanks for
their cooperation. It is impossible to name all
those who have aided me but I do wish to thank them
most kindly. I feel a special debt of gratitude is
due my advisor Dr. W. Eugene Shiels, S. J. for his
guidance and inspiration, which will always be kept
in grateful memory.

Eugene A. Gittinger, S.M.

Loyola University, Chicago Illinois

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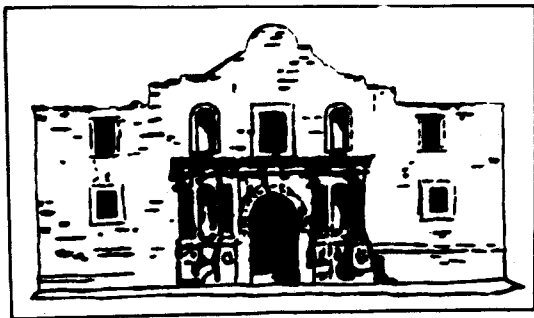
Chapter I

The Early History and Background of Colonization

Few states of the Union boast a more romantic past than Texas. In our country local prides and sectional claims rarely rise above their locale, as the leveling influence of the Union hedges and subordinates these forces into their geographic boundaries. For the Texan, pride in his state is the out-growth of several causes. Perhaps the acquaintance of the Texan with his state history is in no small measure due to the fact that for more than fifty years both state and private schools have introduced the youth of the state ¹ to the glorious deeds of its heroes. No visitor to the state fails to note the Texan's knowledge of his history, and his desire to spread its fame.

Texas has been growing rapidly in population. This growth in the last quarter century has been due to the opening of untold natural resources. One hundred and twenty years ago the first wave of American immigrants was beginning to break over the border of Texas. The first ten years of this movement 1820-1830, is this subject of this story. In these years the settlers in the states east of the Mississippi were made land poor by the Note. This map on the opposit page shows the actual boundaries of the Republic of Texas. The empresarial grants are accurately plotted.

1 The History of Texas, Austin, 1888, by Mrs. P. V. Pennybacker has been taught in the schools for many years.



REMEMBER THE ALAMO

MAP OF TEXAS IN 1836

COMPILED & PUBLISHED
BY

J. D. FREEMAN, LICENSED LAND SURVEYOR

FORT WORTH, TEXAS

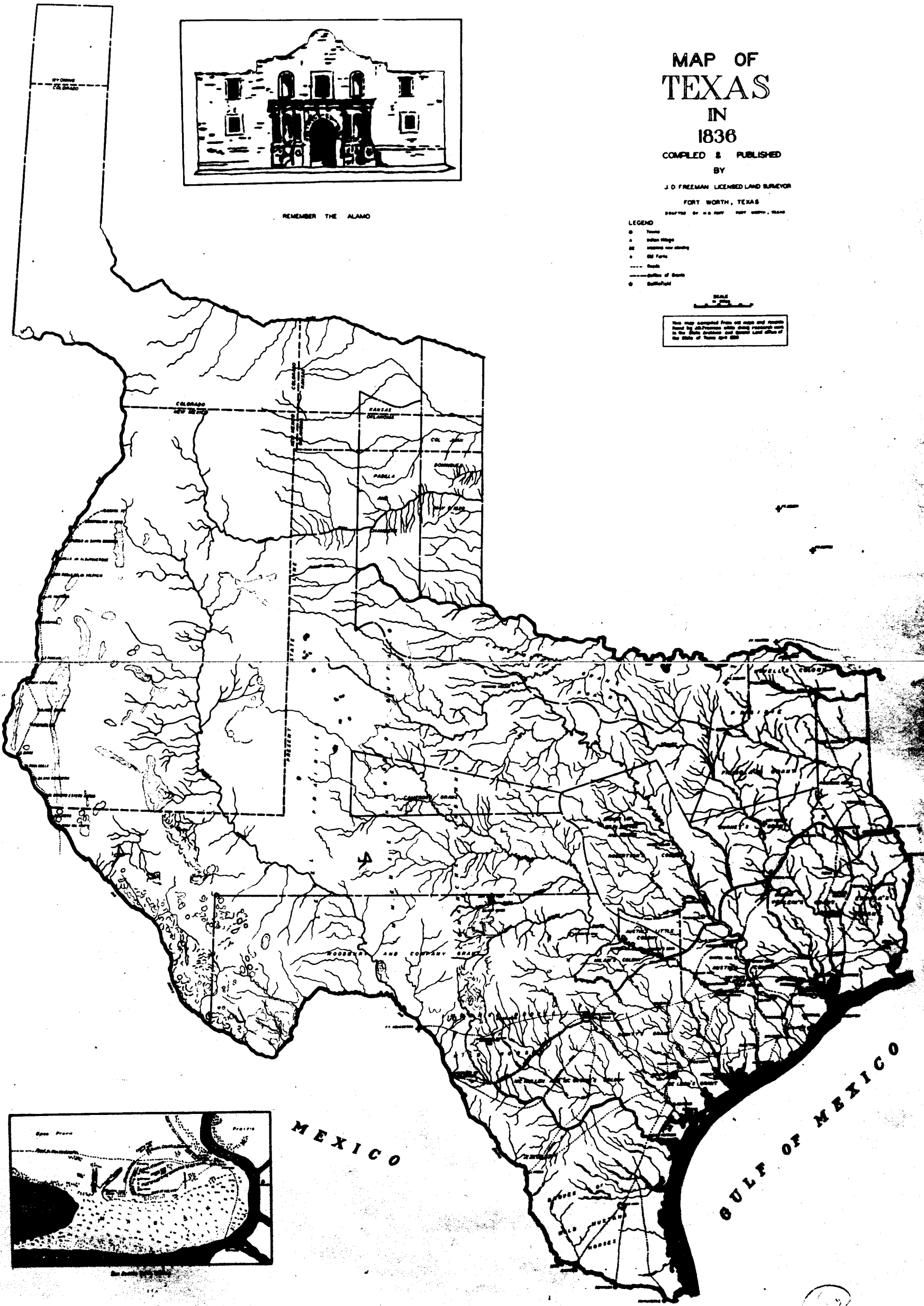
DRAFTED BY H. B. RAY, FORT WORTH, TEXAS

LEGEND

- Towns
- ▲ Indian Village
- Indian Reservation
- Old Forts
- Roads
- Outline of State
- Battlefield



This map compiled from old maps and sources issued by the Government, and is not intended to be a legal document, but is intended to show the general outline of the State of Texas in 1836.



MEXICO

GULF OF MEXICO

panic of 1819, and the hard times that followed. The opening of Texas offered these American settlers a new opportunity. The land was cheap and there were no taxes, and so a flow of immigrants from the United States began to push back another frontier.

The history of the people of Texas is but a small part of the greater histories of Spain, Mexico, and the United States. Spain originally claimed that her boundaries extended from the Atlantic to the Pacific oceans and from the Gulf northward an indefinite distance. It was only in 1670, when Spain made a treaty with England that she recognized the existence of any counter-claims.² The Spanish sea captains named the land north of the Gulf and west of the Mississippi River, "Amichel." After the odyssey (1530 - 1536) of Cabeza de Vaca, the Spaniards became interested in this country. His trip did much to fix the position of this land in their minds.

The Coronado expedition was the first to hear of the land of the Texas Indians. La Salle when he landed on the Gulf coast in 1684, observed that the Indians approached with friendly gestures saying, "Tejas! Tejas! (Friends!)" This name, first applied to the Indians, eventually became affixed to the whole territory we now know as Texas. After the seventeenth century this region was to become a challenge to the English and French

² Herbert I. Priestly, The Mexican Nation, A History, New York, 1935, 2

frontiersmen and a forbidden domain of the Spanish kings.

The territory now known to us as Texas was explored and claimed by Spain but was not colonized until the threat of French occupation aroused the Spaniards to plant presidios and missions in the country. The threat of La Salle upon Texas brought De León and Massanet to this country in 1690. When St. Denis crossed Texas and entered Mexico the Spanish officials became aroused. Ramón, Espinosa, and Margil were sent to hold Texas in 1716; the Marqués de Aguayo finally won Texas for Spain in 1721.

It is a well known fact that the Spanish monarchs were hostile to foreign encroachments in any part of the Indies. The colonial policy from the beginning was to prevent any but Spanish citizens from occupying the royal land in the Americas. In the territory of Texas the Spanish government tried to keep out traders who sought to establish commercial contacts with the Indians. This is the subject of a letter⁴ of Baron Ripperda to the Viceroy Don Antonio M. Bucareli y Ursua, July 6, 1772. De Mézières, the Spanish Visitor, traveled through this part of the country from 1768 - 1780, observing the contacts of the Indians with the Anglo-Americans. The general law of the Recopilación which prohibited residence in, and trading with,

3 Bolton-Marshall, The Colonization of North America, New York, 1920, 249-251 and 293-295

4 Herbert E. Bolton, Athanase de Mézières and the Louisiana Texas Frontier 1768-1780, 2 Volumes, Cleveland, 1914, I, 329

the Spanish colonies⁵ was frequently recalled. In the order of the Intendency of the Province of West Florida, to cite but one example, the prohibition is explicit, "that for no cause or under no pretext whatever, lands in the province should be sold to Anglo- Americans."⁶

The Spanish government made many changes and reorganizations in the government that held control of Texas. The Internal Provinces⁷ were formed in August, 1776. By this act Texas was placed under a Commandant General in Military and political matters, and this became an effective step toward opposing foreign expansion programs. From 1776 to 1811, these reorganizations sought to provide a government that could cope with all foreign encroachments. The Commandant General of the Internal Provinces, writing to the Governor of Texas, May 14, 1784, reminds that officer of his duty to prevent the introduction of all forbidden persons. The Governor was to forward reports on the foreigners which gave the

...christian and surnames, their nationalities, the place of their birth, their conditions, their present residence, the size of the family of each and the number of children, their real estate and such other property as they may possess, their professions, occupations, or employments in which they are engaged, and the time that has elapsed between their arrival in this kingdom.

5 Recopilación de leyes de los reynos de las Indias, 4 Volumes, Madrid, 1774, (Third Edition) Lib. IX, Tit. 27, I

6 Joseph M. White, A New Collection of Laws, etc., 2 Volumes, Philadelphia, 1839, I, 401-403

7 Bolton-Marshall, 386- 387

The Commandant reminds the Governor also of the "grave and prejudicial consequences"⁸ that might result if the toleration recently granted these foreigners be continued.

To understand the policies of the Spanish government in Texas it will be useful to review briefly the history of the Spanish lands adjoining Texas on the east. This territory known as Louisiana was ceded by France to Spain in 1763.⁹ It consisted in its southern extremity of a neck of land that ran between the Mississippi and Sabine Rivers, and from there it gradually widened out to the western watershed of the Mississippi and Missouri Rivers. The northern boundary was indefinite but the Kansas post is generally considered the farthest point of the Spanish authority. Since the territory of Louisiana met the same problems of immigration as Texas, though somewhat earlier, a brief study of the problems encountered by the authorities in Louisiana, will help clarify the difficulties experienced by the Spanish officials in Texas.

By the Peace of Paris, 1763, England acquired all the lands east of the Mississippi and Spain received Louisiana. Many inhabitants of these lands were not satisfied with this en-

⁸ Mattie Austin Hatcher, The Opening of Texas to Foreign Settlement, 1801-1821, Austin, University of Texas Bulletin, 1928, Appendix, Document 1, 295-296. This work will be followed extensively in the present chapter as it is the only complete study of the early immigration into Texas. Miss Hatcher, as archivist of the State Library, had opportunities for many years to study and assemble this material.

⁹ Bolton-Marshall, op. cit., 382, 395

forced change of allegiance. Many of them wanted to follow the flag of the nation they had lived under recently. Spain had difficulties establishing its authority in Louisiana until a special commissioner, Alexandro O'Reilly took control in 1769.¹⁰ A trading post had been established in St. Louis, and a few French families had been given permission to settle in Ste. Genevieve. Two small forts had been erected at the mouth of the Missouri River to prevent English trappers from entering the fur trade farther west up that river.¹¹ From 1777 to 1783, Acadians, Canadians, Italians, Spaniards, and Germans were admitted into this territory when small groups applied for entry. From 1783 to 1800 Louisiana and West Florida were under one governor.

The opening wedge to admit English and American Protestants was made in 1786 when a group of fifty-nine British Royalist families applied for permission to settle in and around Natchez. The law provided, however, that all were to become Catholics, and Irish priests were to be provided, that all might be instructed and admitted in the established religion. The Minister of Spain at Washington, Diego Gardoqui began to issue (1788) passports to these applicants.¹²

The first American colonizer was Colonel George Morgan

¹⁰ Ibid., 396-397

¹¹ Louis Houck, The Spanish Régime in Missouri, 2 Volumes, Chicago, 1909, I, 66-75

¹² Hatcher, 13

7

who secured permission of the governor of Louisiana to introduce Germans from Pennsylvania and a few families from Kentucky. Non-Catholics might enter but only those of the established religion might hold public worship.¹³ Although Morgan's success was small it was significant. The chief inducements were that the land was cheap and there were no taxes. The only obligation the settlers contracted was to swear allegiance to the crown of Spain and bear arms in defense of the lands they occupied.

General Wilkinson about the same time planned to introduce Kentuckians and other westerners. The motive he gave is of special interest as he proposed to erect a barrier to the English and American advance into the Spanish lands. The suggestion of erecting a barrier was to be taken up by many others. Felipe Enrique Neri, Baron de Bastrop, a refugee from Holland, applied to Governor Carondelet for permission to found a colony on the Ouachita River to restrain the expansion of the British settlers the Spanish authorities had permitted to settle at Natchez. He persuaded ninety-nine immigrants to follow him, among them Moses Austin. François Valle, Commandant at Ste. Genevieve, granted Austin permission to settle (1797) thirty¹⁴ families of farmers and artisans under his jurisdiction. Bastrop's contract was cancelled June 20, 1797, when he was suspected of introducing Protestants and Americans whose fidelity

13 Theodore Roosevelt, Winning of the West, 6 Volumes, New York, 1900, IV, 252-253

14 Hatcher, 31-32, 34

the authorities had reason to doubt.

The policies in vogue in Louisiana had their counterpart in the history of Texas. Pedro de Nava, Commandant of the Internal Provinces, 1795-1801, believed that the Indians could be won away from the contraband trade if the Spaniards cultivated their friendship. He thought the apparent lack of fertility of the land would effectively check large settlements of French and English and American colonists. He knew that trade arising from wild horses would attract the most venturesome and dangerous characters to Texas.¹⁵ The Lieutenant Governor complained to the Commandant in 1799, of the laxity of his predecessors in keeping out Americans who engaged in this trade of wild horses. The year following, Nemesio Salcedo was intrusted with the responsibility of keeping out these men and he proved himself the great advocate of exclusion.¹⁶

In the next few years new problems were to arise. Napoleon in 1800 arranged for the retrocession of Louisiana from Spain to France. Then in a moment of financial and other embarrassments Napoleon sold Louisiana to the United States, 1803. With this act the threat against the Spanish lands in Texas was no longer from the French but from the Americans. The French threat was removed only temporarily as it reappeared in a few years when Napoleon had designs on the whole Spanish domains in the Americas.

15 Ibid., 40-51

16 Ibid., 55-60

9

He obtained control of the throne of Spain in 1808 after Charles IV and Ferdinand VII abdicated. However, the Junta Central, residing in Seville, was generally recognized after 1809 by Spain's American colonies as the ruling authority. The Junta Central was replaced in 1810 by a Regency which convoked the old Cortes which long since had ceased to exist.¹⁷ Ferdinand VII was restored to his throne in 1814. Although he showed an interest in the affairs of Texas little was accomplished during the next six years because of the disturbed conditions in Mexico.

The political disturbances in Spain caused by the machinations of Napoleon brought disorders in Mexico. The viceroys lacked the strength to dominate the trying situation. The Creoles, the American Spaniards, began a partisan strife with the audiencia which was composed of European-born Spaniards. The Creoles advocated an independent Junta for New Spain with powers equal to, and independent of, the Junta Central. They hoped to hold the country under this authority until King Ferdinand should be restored to his throne. Eventually this partisan strife led to the revolt of Hidalgo and ten years of unstable government in New Spain.¹⁸

Texas naturally suffered from these disturbed conditions. Spain had depended on the population of the presidios and mis-

17 Priestley, 197-203

18 Ibid., 203-205

sions to keep out foreigners. The weakness of the presidial forces and the inefficiency of the national government encouraged the marauding Indians to disorganize what little authority there was left in the country. Some foreigners were beginning to venture into the lands of Texas. The entry of these people caused the Spanish government to revive the old plan of making Texas into a buffer state between the United States and Mexico.

After the purchase of Louisiana many settlers who had formerly been subjects of the Spanish crown desired to follow the flag of Spain. The request of these settlers was acted upon and the royal decree of September 24, 1803 provided for their admission. On March 27, 1804 the order of the king reached the Commandant General and he then began to admit them into Coahuila and Nueva Viscays. The intention of the Spanish government was to place these settlers so far in the interior that they could not engage in contraband trade.¹⁹

At this time two developments favorable to those advocating the opening of Texas took place. First, Salcedo made fatal mistake in 1804 when he ruled that immigrants might prove their identity and character by mere statements. He had found that definite credentials formerly demanded were difficult to procure. In his anxiety to populate the region he thought these mere statements would suffice. The second development was the appointment of Antonio Cordero to the post of Nacogdoches, and

the abandonment of Orcoquisac. Cordero believed in a liberal
²⁰
 interpretation of the new colonization law.

The Louisiana immigrants refused to remove themselves into the interior. Salcedo was then instructed to build a villa where the Bexar Road (Camino Real) crossed the Trinity River. It was named the Villa de Santisima Trinidad de Salcedo in honor of the founder. Two smaller villas were formed at Orcoquisac and San Marcos de Neva. The Louisiana settlers were permitted to live at these villas but the majority of the colonists were to be brought from Refugio, Bexar, and Mexico. After
²¹
 a few years the two smaller villas were abandoned. Manuel Godoy, "Prince of Peace," drew up elaborate schemes and ordinances for a villa system which he offered to Don Pedro Grimarest
²²
 and later to Bernard Despallier.

Although Spain modified and loosened its policy of exclusion, the villas would have been sufficient to guard the frontier and admit only the desirable colonists, had not the local officials of Mexico interfered with the operation of the plan. This difficulty could and often was circumvented by the officers in Texas, but they could not overcome the unalterable policy of prohibiting any and all forms of trade. The Spanish king at this time made a gesture to open a port for Texas but the authorities in Mexico insisted that the only port of entry was

20 Ibid., 91 -92
 21 Ibid., 102-104
 22 Ibid., Appendix, Document 12, 314-322

Vera Cruz. This worked a great hardship on the settlers and was responsible for their alienation from Spanish economic allegiance, and their participation in contraband trade with the nearer source of supplies. When the Louisiana immigrants found that they were to receive no inducements to trade, many settlers felt they were being discriminated against by the Mexican authorities, who were acting contrary to the king's wishes.

In his anxiety to fill the new villas with desirable colonists, the Governor of Texas relaxed his vigilance on the border. Men of questionable character began to enter. By 1808 so many complaints had been lodged against these new colonists that the government in Mexico decided to close the frontier to all immigrants. Finally on August 21, 1809, the order went out from the Commandant General, Nemescio Salcedo to Governor Bonavía,²³ to close the frontier to all colonists.

The military powers were called upon to expel the objectionable foreigners from the five settlements of Bexar, Bahía, San Marcos, Trinidad, and Nacogdoches. At this time it was maintained by the officials of Mexico that the most objectionable colonists were those recently arrived from Louisiana who had located in Trinidad. The order of expulsion was issued January 9, 1810. This decree required the very officers who²⁴ admitted these questionable characters to expel them. The de-

23 Ibid., 172

24 Ibid., 191

cree was only half-heartedly enforced.

Despite the many plans that were made, and the frequent suggestions to modify the exclusion policy, it remained practically unchanged from 1810 to 1820. After the restoration of Ferdinand VII and Napoleon's banishment, the king favored the idea of reviving the villas and making Texas into a buffer state between Louisiana and Texas. This period is marked by revolts in Mexico, French espionage in Spanish colonial possessions, and an all too evident desire of Americans to expand westward into Spanish territory.

With the settlement of the West Florida dispute in 1819, the project of obtaining Texas for the United States was abandoned by the American diplomats. Priestley observes that "the United States gave up its 'rights' to all of Texas west of the Sabine River in the negotiations which resulted in the purchase of Florida.²⁵ The Cortes of Spain adopted a more democratic viewpoint after the expulsion of the Bonapartes and the barrack revolt of Cádiz in 1820. It advocated a return of the lenient laws of colonization and desired settlers who would improve the land, who would become fixed, interested in the government, and determined to defend their homes. After some delay the king inaugurated once more the open door policy for immigration and even went so far as to give the people some representation in government, with the right to establish "Ayuntamientos". These

local centers were empowered with authority to distribute land grants. With this ended the Spanish control of Texas, for in the following year, 1821, Mexico revolted. Under the liberal policy begun by Spain and continued by Mexico, the first of the empresarios were soon to launch their enterprises to colonize Texas.

26

While Spain was trying out several plans to colonize Texas and while political disorders were going on in Spain and Mexico, several unlawful attempts were made to enter Texas by men popularly known as "filibusters." These attempts derive their importance not so much from what they accomplished in bringing in settlers, as from the knowledge they brought back to the people who were interested in entering Texas. Each inroad of these filibusters caused a tightening, at least temporarily, of the exclusion policy.

Philip Nolan was probably operating in Texas as early as 1785 as an illegal trader in wild horses. The thousands of wild horses that roamed the central part of Texas could be had for the corraling of them. The danger of meeting a small force of soldiers who guarded the frontier at one of the three posts of Nacogdoches, Orcoquisac, and Atoscocito was almost negligible. In 1800, Nolan and twenty companions were attacked by the frontier guard at his enclosure on the Brazos River. The leader fell, but E. P. Bean and nine others were led captive to Mexico.

The story of their imprisonment and the lottery of the black beans is too well known to be repeated here. ²⁷

Although not on a filibustering expedition Major Zebulon M. Pike was the next American to see a great part of Texas. In 1805, he had been sent by the American government to explore the source of the Arkansas River. While on this expedition he entered Spanish soil, was apprehended, and sent to Monclova. His return was over the Camino Real of Texas which led him through Bexar and Nacogdoches. The account of his journey, published after his return to the United States, increased American interest in Texas. ²⁸

The confusion that resulted in the government of Mexico after the revolt of Hidalgo (1810) prompted Bernardo Gutiérrez, a revolutionary exile, and a former American army officer, Augustus Magee, to attempt the next filibustering expedition. In 1812, a party of one hundred and fifty men, soon increased to eight hundred, invaded Texas. Nacogdoches and Bexar were taken, and the Republic of Texas was proclaimed. At the battle of Medina a force of two thousand Spanish routed the invaders and killed all but a few. ²⁹

In 1816 Colonel Perry and Luís de Aury set up the Province

27 Hubert Howe Bancroft, The North Mexican States and Texas, San Francisco, 1889, II, 5-9

28 Zebulon M. Pike, An Account of Expeditions--- And a Tour through the Interior Part of New Spain---in the Year 1805, 1806, 1807, 3 Volumes, London, 1811. Volume III deals with his trip through Texas.

29 Bancroft, 19-24

of Texas under the Mexican Republic. General Javier Mina persuaded Aury and Perry to make a punitive expedition into Mexico, but the latter lost his life. Aury returned to his old headquarters, Galveston, only to find that Jean Lafitte had established himself there with a band of Barrararian freebooters.³⁰

There was still another disastrous attempt to invade Texas. James Long with seventy-five discontented border settlers started out to conquer Texas after the United States relinquished all claims to that territory. In a short time the number had increased to three hundred and an independent state was erected on June 23, 1819. This lasted but two years. Most of the filibusters lost their lives while Long saved himself only by pleading that he was supporting the new republican government which had only recently established itself in Mexico.³¹

For the present study a rapid review of the statistics on the population of the territory of Texas from 1800 should be interesting and helpful later. It must be kept in mind that there were no complete and comprehensive census reports at this time. Insufficient data makes a compilation impossible. Although the Bexar Archives have many letters to show that the Spanish government asked for census reports there are few reports to be found. Hatcher has assembled some of these reports which show that only small groups or a few individuals were

30 Priestley, 243-244

31 George P. Garrison, Texas, A Contest of Civilizations, New York, 1903, 122

coming into Texas before 1820.

Bancroft gives various estimates of the population of Texas during the first years of the century.³³

1805	Tribunal de Consulado	21,000
1806	Governor Cordero	6,000
1806	Almantes gives Nacogdoches 500, Bexar 2 000, La Bahía (Goliad) 1400. Total	3,900
1807	Major Pike	7,000
1810	Fernando Navarro y Noriega	3,334
1811	Arispe Memorial	7,000
1811	Candelada	4,000

And 14,000 Indians

There is no possibility of determining how these estimates were arrived at or what they included or excluded. They are to be regarded merely as estimates. Governor Cordero's report was based on his knowledge of Texas after spending many years in that country. His intimate connections with Texas should make his estimate as reliable as any of the others.

We have seen that Spain was gradually modifying its exclusion policy until she arrived upon the empresario plan. The operation of this plan in the next ten years will be the purpose of this study.

32 Hatcher, 55-57, 108-111, 116-117, 123, 177-178 and Appendix, Documents 2 and II.

33 Bancroft, II, 2

Chapter II

The First Empresarios

The Empresarios were contractors who agreed to colonize Texas under the conditions laid down by the government of Mexico. It was under the empresario plan that most of the colonists entered Texas before the revolt of 1836. This plan was virtually stopped by the Mexican government by the law of April 6, 1830, but actual land grants were made as outlined by this plan as late as the first years of the Texas republic. As individuals, the contractors were to receive land on the same terms as the other colonists, and as empresarios they were to receive a bonus of land when they had completed their contracts. The plan was conceived and begun by Spain and later continued by Mexico after gaining its independence. Few of the many empresarios realized their dreams of possessing vast land holdings, as the generous offer of the government seemed to propose to them. Obstacles arose that well-nigh doomed their projects even before they began. The stakes were high and many came to play for them. Stephen F. Austin and his companion Samuel Williams alone could show a profit. This plan for the introduction of colonists may be considered as a failure if it is judged by the number of empresarios who succumbed in the contest, but if judged by the results it produced, in the number of colonists encouraged to come to Texas, it was a success.

Apparently word of the decision of the king of Spain and the Cortes in 1819 to modify the colonization law and offer inducements to enter Texas, spread throughout the upper Louisiana territory. The offer for free land and the sanction of the government to open a port in Texas were the attractive features that caught the notice of Moses Austin. He, like many other settlers in the Upper Louisiana region, were enduring the unsatisfactory administration of the new territorial land office. His protest to the House of Representatives voiced not only his sentiments but those of many others. Business for Moses Austin had recently taken a bad turn and financial ruin was imminent, as he states in his letter to his son, "...after all is settled I loose 26,000 Dollars by the bank of St. Louis... ." ¹

Moses Austin had seen his promising lead mining enterprise fail as a result of the War of 1812; he had faced bankruptcy in his Territorial bank undertaking and had been caught in the depression of 1819. The territory of Arkansas was opened that year and James Bryan, son-in-law of Austin, it appears, had holdings near Natchitoches. Stephen F. Austin, son of Moses Austin, entered the Arkansas territory about the same time by buying some acres of land at Little Rock, but this claim subse-

¹ The Austin Papers, Part 1, Moses Austin to James B. Austin, Feb. 8, 1820, 355. The land problem of the Austins and the other settlers is not our concern here, but does explain in part the willingness of these people to join Austin later in finding lands in Texas where clear titles could be had. See Barker's "Life of S. F. Austin," footnote, 13-14. Hereafter Part I of the Austin Papers will be cited as A. P.

quently was invalidated by the territorial land office. Stephen² settled on a farm at Long Prairie, on the Red River (Long Branch), from which district he was a candidate for territorial delegate to Congress. He was defeated in this election by a close margin but was appointed judge of the first judicial district of Arkansas by Governor Miller,³ The fates had frowned upon the fortunes of the Austins but the star of Stephen Austin was flashing intermittent gleams of its future lustre.

Moses Austin evidenced his desire to leave the country as early as 1818, when he wrote,

...I have been offered a price for my mine a Burton estate say 50 thousand Dollars this sum I shall not take, but am determined to sell as soon as I can. I am greatly dissatisfied and wish to Change my situation would to god my business was closed I would leave this country in a week... 4

Stephen Austin wrote several letters at this time,⁵ (1819) to William O'Hara which reveal his straightened financial conditions, his family reverses and he desire, as well as his father's⁶ for an early departure for Arkansas. Just when the Austins began to think of entering Texas is not clear, but Barker thinks that Moses Austin had plans for trading with Texas as early as 1813, but that Stephen knew little of his father's plans in

2 Ibid., S. F. Austin to James Bryan, Jan. 3, 1818, 327

3 Ibid., Governor Miller's Proclamation, July 10, 1820, 365-366

4 Ibid., Moses Austin to James Bryan, Sept. 13, 1818, 333

5 Ibid., 327, 330, 337, 339, 343

6 Eugene C. Barker, The Life of Stephen F. Austin, Founder of Texas, 1793-1836, A Chapter in the Westward Movement of Anglo American People, Dallas, 1925, 25-26

this matter. In confirmation of this Barker quotes a letter of Stephen to his mother from New Orleans, January 20, 1821, " I know nothing as to my father's objects or prospects." Moses Austin had evidently discussed his plans with some men, for a letter from J. H. Bell from Natchitoches, September 21, 1819, reported on the recent failure of the Long revolt and on the bad character of the leaders.⁷ We might infer that this was sent to advise Austin that his proposed trip should be delayed. The day of Moses Austin's entry into Spanish territory was not far distant, for J. Meigs forwards on March 9, 1820, the old Spanish passport Austin had obtained in Philadelphia in 1797, to enter Louisiana. The elder Austin had requested this pass-⁸ port in his letter of January 6 of the same year.

Moses Austin left Missouri in 1819 and resided some months in Arkansas on the Red River. Eventually he returned to Missouri for we find he again leaves that state on May 1, 1820,⁹ for Little Rock. After some months, November 27, 1820, he left¹⁰ Mr. McGuffin's farm which was at that time the last outpost on the way to San Antonio de Bexar. He arrived at that town on December 10 of the same year, to place his petition before Don Antonio Martínez, the Political Chief of the Province of Texas. His petition was at first rejected and he probably would have

7 A. P., 348

8 Ibid., 356

9 Ibid., Genealogical Notes, 3

10 Ibid., 368

been imprisoned had he not met an old acquaintance from Missouri, Baron de Bastrop, who interceded for him. His examination before the Political Chief brought out these statements: he was a native of Connecticut, a resident of Missouri, a Catholic, a merchant, a dealer in lead ore, and his purpose was to colonize Texas with 300 families. He further stated that he had met none of the Long expedition; that he had heard that Lafitte had fled from Galveston to South America; that he had successfully operated lead mines under the Spanish régime but that he could no longer operate them lawfully under the American government; that neither he nor his companions had brought any merchandise with them, more than their personal effects, and that those who accompanied him, except for his personal servant, had joined him after an accidental meeting, six leagues out from Natchitoches. In Moses Austin's "Common Place Book" under Memorandum and Itinerary, we find that his personal effects amounted to eight hundred and fifty dollars. His estimate of the distance from Natchitoches to the Little Brazos was 182 leagues and from there to San Antonio 165 leagues which made a total of 347 leagues.¹² We learn more concerning the motives of Austin in the application for a Colonization Permit written in the hand of Bastrop, on December 20, to the Political Chief,

11 Ibid., 370-371 The Original is in the Nacogdoches Archives, Texas State Library.

12 Ibid., 368

13

Martínez. Austin petitions to be permitted to grow cotton, wheat, sugar-cane, and corn. He assures the government that his settlers will be men of character and industry and will have testimonials to that effect, that they are desirous to support His Majesty's government against the Indians and Adventurers.

Ambrosio María de Aldasoro informed Antonio Martínez in a letter of January 17, 1821,¹⁴ that the government had approved the request of Austin as well as the opening of the port of San Bernardo, which Martínez acknowledged in his reply of February 8. The Political Chief Jefe Politico informed Felix Trudeau,¹⁵ the Spanish agent at Natchitoches, that he was sending Erasmo Seguin with a commission to welcome Austin and his 300 families.

16

Bastrop wrote to Moses Austin on March 2 that Mr. Merriméndez (Berramandi) would also await him. The government it would appear, was anxious to welcome Austin and his Colonists.

The ill fortune of Moses Austin was still with him for he hardly began his return trip from San Antonio when he discovered that Kirkham, one of his companions, had been a party to a theft of Mexican government mules and horses.¹⁷ Austin discovered the plot only after he had gone some distance on his return

13 Ibid., 371, 372

14 Ibid., 372

15 Ibid., 383

16 Ibid., 384

17 Ibid., Moses Austin to Governor Martínez, Jan. 26, 1821, 377-378

trip. He immediately protested which only embittered Kirkham and his six Spanish companions in crime. Their purpose was to bring horses to the United States. Austin tells of his hardships of travel,¹⁸ how Kirkham had, some time before reaching the Trinity River, deserted him and made off with all of the food and most of his powder. How while he slept on the banks of the Trinity River, "wrapped in a Buffalo robe in company with his negro servant, Richmond, a panther jumped upon him (Moses Austin) from a tree. He jumped up, threw off the robe, and shouting, drove off the panther... ." His party had to make rafts to cross the swollen rivers and lived only on berries and roots. When they reached McGuffin's farm, the slave was seriously sick, and Austin was in such straits that he went home in a weakened condition and when, a few months later he contracted pneumonia, he died June 10, 1821. Before his death¹⁹ Austin wrote letters to Bastrop and Trudeau in which he explained his innocence in the Kirkham plot; he sent newspapers to Bastrop, which gave the latest news concerning the boundary dispute between the United States and Spain over the Sabine, which told of the machinations of Lafitte and the ill fated second Long Expedition. On April 8, 1821, he sent a letter to his son J. E. B.²⁰ to supplement his previous letter of March 28, in which he gives a full account of his trip to Texas and the

18 Ibid., 377

19 Ibid., 379-382

20 Ibid., 384-385

fine prospects he had to recoup his fortune. He had printed a
 21
 "Form of Contract for Emigration To Texas."

This contract explained that he was about to begin a settlement under the protection of the Spanish government on the Colorado river near where that river empties into the Bay of San Bernardo. All who wished to go with him were to sign the agreement and that they would remain in the employ of Austin until January 1, 1822. They would aid him in building a home, a stockade; they would fence and cultivate corn and erect houses to hold the corn. Austin on his part was to furnish from New Orleans the vessel necessary for transportation to the colony, as well as the provisions up to the first of January, 1822. The empresario was to provide all the farming implements, oxen, and mules and incur all the expense from the time the emigrants entered the vessel; he was to survey and issue free 640 acres to each emigrant, and he was furthermore to provide each with five bushels of corn. Samuel Smyth, Benjm. Harwood, James Ridgway, Stephen Cooper, Thomas Cooper, John Neff signed
 22
 this contract.

Stephen was in New Orleans trying to establish himself while his father was away in Texas. He was in debt in both Missouri and Arkansas and in constant fear, "that perhaps those I owe in Missouri may prosecute me here" as he writes to his

21 Ibid., 389

22 Ibid., 389-390

mother. He secured employment "aiding to edit a newspaper, the
 'Louisiana Advertiser'." In this same communication ²³ he re-
 cites the kindnesses shown him by Joseph H. Hawkins, a man with
 a "...most generous heart... who two months ago was a stranger
 to me.... ." Hawkins had offered to board his young protégé, to
 give him money for clothes, to advance him money, at part to be
 forwarded to his mother and the other part to be used to buy
 coffee and sugar for her. This patron had offered the service
 of his law books, and his personal instruction in law, so that
 Austin felt that in eighteen months he could "become acquainted
 with civil law" and "learn the French language." This fortu-
 nate connection with such a generous benefactor makes him ex-
 claim that he "has made me change my opinion of the human race."

On May 22, 1821, Moses wrote to Stephen informing him ²⁴ of the
 success of his Texas venture. He announced his intention of
 immediately beginning his enterprise and asks that his son see
 that a "vessel (be) ready that no Delay take place" upon his
 arrival in New Orleans. The next letter Stephen was to receive
 from home was from his mother, ²⁵ dated June 8, 1821. It bore
 the sad news of his father's fatal illness and placed a charge
 upon his shoulders that was to make him the Father of an Empire.
 His mother wrote,

23 Ibid., 373-374

24 Ibid., 393

25 Ibid., 393-395

... all those things distract his mind and increase his disorder he called me to his bed side and with much distress and difficulty of speech, begged me to tell you to take his place and if god in his wisdom thought best to disappoint him in the accomplishment of his wishes and plans formed for the benefit of his family, he prayed him to extend his goodness to you and enable you to go on with the business in the same way he would have done had not sickness and oh dreadful to think of perhaps death, prevented him from accomplishing.....

Stephen wasted no time in taking his leave to discharge his trust for we find he left New Orleans on June 18 on the boat, "Beaver" and arrived in Natchitoches on June 26, 1821. Accompanying him were William Wilson, late of the United States army, James Beard, a saddler of St. Louis, and Dr. Hewitson of the same city. On the 20th of June, William Little joined the party. On July 2, Mr. Lovelace and his party attached themselves to Austin. ²⁶ Seguin, the commissioner, could wait no longer but permitted Stephen to remain and await letters from home. These arrived exactly one month after his father passed away. He had made such a good impression on the government representatives that they assured him they would sponsor his cause in the case of the death of his father. Stephen Austin was not idle during these days for he had secured the consent of several families in and around the town of Natchitoches to emigrate to his colony as soon as they could put their affairs in order and be assured that the government had transferred his father's

26 "Journal of Stephen F. Austin On His First Trip to Texas 1821," Quarterly, Texas State Historical Association, VII, 286

grant to him. The entry on the Journal for July 9 states that the party started for McGuffin's farm. It records that Edward Lovelace, Neel, Gasper, Bellew, Henry Holstein from Catahoula, William Wilson, James Beard, Dr. Hewitson, Irwin, W. Smithers from Indiana, and G. Bush from Natchitoches made up the party. July 10, Mr. Barnum "one of my company left for Natchitoches" and the letters telling of his father's death arrived. The next day Austin dismissed Bush, "a worthless fellow" and settled his account with the Forsythes relating to the slave, Richmond. On July 17, Austin's entry reads, "Mr. Polly and Marple ... joined me for the whole route, they produced satisfactory recommendations and I accepted them as part of the Company." That day he stopped at the Englishes and later visited J. H. Bell.²⁷ In this same document under July 20, Seguin is recorded as appointing Mr. Dill as Commandant of Nacogdoches. Austin notes that this town had once been flourishing but now was in ruins except for seven houses and the church which were still standing. One week later the party had overtaken Seguin and were on the banks of the Trinity. Austin registers his observations on the fine soil and the surroundings as he does throughout his diary. He reports that the road forks at this point, one going to San Antonio and the other to La Bahía.

The next entries in the Journal of any importance to this study were the crossing of the Brazos on the first of August,

and six days later the Colorado river. On August 9, the San Marcos River and the Guadalupe were forded and Austin remarks that the fine fall and rapidity of the streams would provide excellent power for mills.²⁸ From this place Seguin forwarded messengers to Martínez asking that a fitting reception be made for the young empresario and his party of sixteen. It was here also that the news arrived of the declaration of the independence of Mexico, August 12. That day Stephen Austin entered San Antonio.²⁹

The account of the Journal narrates that the party of Austin left San Antonio on August 21, and that Martínez, Seguin, and Berra~~mandi~~ accompanied it the first six miles as far as the Mission San Juan Capistrano. LaBahía was reached on the twenty-sixth of the same month, Austin found the town in ruins and the inhabitants living in great poverty. Some difficulty was encountered trying to procure guides but the young empresario finally secured the permission of the Curé to use three Haranames Indians from the Mission and one soldier. This Curé like the one in San Antonio expressed the hope that he would be ap-³⁰ pointed to the new colony about to be founded by the Americans. On September 3, the party crossed the Coleta Creek and the following day the Guadalupe River. Austin reports that he found "the head of Matagorda Bay & the Mouths of the Guadaloupe &

28 Ibid., 296

29 Ibid., 296

30 Ibid., 299

San Antonio rivers." ³¹

From here Austin strikes out for the old town of "Lababbie" (La Bahía) on the Garcia (Garcitas) Creek. For a week the party was lost for the guides became so confused they deserted and the exploring party struck out on its own guiding itself by the compass. The Garcitas and Lavaca Rivers were crossed and identified and the party pushed on eastward a few miles to come upon the Colorado River, ³² September 15. The next three days the group spent in exploring southward the possibilities of the lands of that river to its mouth. On September 19, they had reached the Brazos river where Mr. Lovelace and a party of three went up the west bank while Austin and four others traveled up the east side. They had agreed to meet where the La Bahía Road crosses the Brazos. Austin reports two traces were found, three or four miles south of their meeting place, which "probably go to Opelousas." The two parties were reunited on September 22. All the exploring parties agreed that the Brazos valley was the finest land they had seen on their whole trip. It would appear that two minor parties did some further exploring; one went ³³ from 60 to 70 miles up the river and other went toward the

31 This is evidently a mistake in the identification of the bay as the Guadalupe joins the San Antonio river a short distance from where the latter empties into the San Antonio bay.

32 "Journal of S. F. Austin," 304. Barker notes that from this date the Journal often becomes illegible.

33 Ibid., 304-308 Barker reports that the Journal breaks off suddenly after the entry under September 22.

mouth of the Brazos.

Even before Austin had left Natchitoches he formulated some plans which he sent to Hawkins in a letter dated July 20, 1821. He asked that Hawkins would make these points "known through the public prints": that he would comply with all the conditions of his grant and effect a settlement in the same manner as his father had planned; that he would explore the territory and choose the best sites; that the port of San Bernardo had been authorized and that settlers would be permitted to carry on commerce; that he was authorized to settle 300 families and that these would be permitted to bring in all their property; that every aid would be given the colonist, that he might secure grants of land proportionate to the numbers of each family and to the means he had to carry on agricultural pursuits; liberal land grants would be made to mechanics. No land grants would be made to anyone who could not supply satisfactory evidence of good character and industry. Austin saw the possibilities of his enterprise for he observes, "I hope the newspapers in Mississippi, Tennessee, Kentucky, and Missouri will publish." In order not to overlook any group he adds in a postscript that, "All persons who were citizens of Louisiana at any time prior to its cession to the United States, will find³⁴

34 A. P., I, 402-403. Barker states this letter was copied by the "Arkansas Gazette", Oct. 6, 1821, quoting the "Louisiana Advertiser", of Sept. 3, 1821. He concludes that the "gentleman in New Orleans" was none other than Joseph H. Hawkins.

great facilities in obtaining grants for land in this province.

Shortly after Austin returned from his exploring trip he wrote to Martínez from Natchitoches describing his trip and offering suggestions. ³⁵ He outlined the boundaries he thought his colony should have. The line should be run from the mouth of the Lavaca River northward to its source, thence along the divide between the Guadalupe and Colorado Rivers until it reaches six leagues north of the San Antonio Road. Here the line should run eastward parallel to this road, through the plains and along the divide of the Brazos and San Jacinto Rivers, thence straight to the gulf. He suggested also that the settlers from the Nacogdoches area who had agreed to the suggestion of Seguin to settle in the interior, be permitted to enter his colony instead. He advised the Mexican government that the amount of land to be allotted to single men should be reduced; that the heads of families should receive 640 acres, their wives 320, each child 160 and 30 acres for each slave. He stated he had entrusted 50 or more families to Mr. Novell to lead them into the lands bounded on the east and west respectively by the Brazos and Colorado Rivers, and bounded on the north by the San Antonio Road and on the south by La Bahía Road.

In another letter to Martínez, Austin made it clear that he thought himself best qualified to act as the agent of the government to facilitate the settlement of the colonists. He

asked that this Agent of the Commissioner have "extensive discretionary powers as to the distribution of lands." Austin also stated that this Agent and a Surveyor General could expedite the whole business of the land claims with little expense to the government. He likewise suggested that "the Commissioner be authorised to exact from each settler a sufficient per cent on the land grant^d to compensate him for his trouble and expense in attending to the business -----" ³⁶ The suggestions of Austin were constructive plans but some difficulties arose before they could be carried out. Austin desired to be appointed the government Agent as he foresaw difficulties if both he and the Mexican government would apportion the land. Bastrop had informed him³⁷ in a letter of September 13, 1821, a full month before he offered his suggestions, that several persons and a Mr. Johnson Hunter had been given lands in the territory Austin intended to claim.

Martínez referred the suggestions of Austin to Gaspar ³⁸ López, the new governor of the Internal Provinces, as he felt he had not the authority to deal with the suggestions. The re- ³⁹ ply stated that Austin had no authority to apportion the lands, to set up judges, or arrange the business of the government

36 Ibid., 419-421

37 Ibid., 414

38 Ibid., 429-430, Barker notes that López succeeded Arredondo as Commandant at this time.

39 Ibid., Gaspar López to A. Martínez, December 15, 1821, 430-431

without first referring the matter to the national government for approbation. Meanwhile Austin, confident that Martínez would secure the approval of his suggestions, wrote to Thomas Novell, November 20, 1821,⁴⁰ that he should bring in the settlers and have them take up the lands between the two roads along the river. Each strip of land must be adjoining his neighbors, each was to be allowed one half mile of river front with a depth four times the width. "Should two or more chose the same tract it is to be decided by lot." Austin also informed Novell that he had appointed J. H. Bell, a syndic or Justice of the peace, and that all settlers must acknowledge him as such.

The empresario had a contract blank printed which he called "Permit and Conditions for Colonization".⁴¹ This document indicated the conditions, concerning character and allegiance, which the Mexican government wanted observed. It gave us also several new details in the plan as Austin had conceived it. The lands granted to a family were to be in two tracts, "one on the river in an oblong, the other is to be located so as not to interfere with the river lands; one of said tracts must be actually inhabited and cultivated by the person... within one year from the first of January 1822." As Austin had not yet received his reply on his suggestion he formulated a state-

⁴⁰ Ibid., 431-432

⁴¹ Ibid., 435-436, Barker fixes the date as November 23, 1821

ment in this document that was to bring him later to involve him in a certain amount of trouble with the government. He stated,

... Twelve cents and a half per acre, must be paid me for said land, one half on receipt of title, the other half in one year after, which will be in full for surveying fees and all other charges...

Austin was acting in good faith but he was laboring under the illusion that the government was or had given him a free hand in the disposition of the lands in his colony.

The business of the colony was progressing rapidly judging from many letters which Austin found awaiting him at Natchitoches after his trip of exploration. William Kincheloe was given permission to select a mill site and claim to 640 acres besides one lot in town. The town lot was given gratis.⁴² This in general was the inducement made to mechanics. The amount of correspondence and other business delayed Austin about a month in Natchitoches for we find him writing his brother-in-law, James Bryan, from New Orleans on November 10, 1821. Here Stephen Austin and Hawkins signed the agreement that began the enterprise as a business venture.

Chapter III

The First Colony

The plan of colonizing Texas as conceived by Moses Austin in 1820 was probably the outgrowth of his previous experience. Twenty years earlier he had come with his party of forty from Virginia, to the Spanish territory of Missouri. Shortly after, this territory was purchased by the United States and Austin attributed his business reverses to the interference of the new American government, poor banking laws, and the turning over of the territorial lands to a group of "land sharks." He had witnessed the liberality of the Spanish government once and he naturally hoped the unexploited lands of Texas would provide him with his second opportunity. Moses Austin planned, but it fell upon his son, Stephen, to realize the undertaking. Neither of the Austins had the means to commence the project, but they found one who was willing to venture his all in their undertaking, their friend, Joseph H. Hawkins. He had agreed to finance¹ the enterprise of Moses Austin. Up to the time when Stephen and Hawkins signed the agreement on November 14, 1821, Stephen was not a member of the partnership but merely an agent of his father. After this agreement we might speak of the colonization of Texas as a partnership. Moses Austin had signified January

1 A. P., 428

1, 1822, as the date for the first allotment of land. Stephen went forward with his plan and found that emigrants were not lacking but that money was sorely needed. By the second agreement Hawkins was to furnish four thousand dollars and was to,

... receive one equal part of the monies, effects, property and profits arising from the sale of lands, lots, or from any other services growing out of the grants of lands... And all lands lots and other property so derived shall be from time to time divided between said parties hereto in equal moities. 2

Stephen received financial help also from Edward Lovelace, 3

Austin spent nearly a month in New Orleans from the middle of November, with the preparations necessary to fit out the vessel "Lively" that was about to depart for the mouth of the Colorado River. The signed contract of the empresario and the emigrants laid responsibilities on both parties which we have already seen. The captain of the vessel contracted to sound the waters from Galveston Bay to the mouth of the Guadalupe River in San Antonio Bay. While these first colonists sailed along the coast of Texas, Austin journied over the northern overland route. He was in Nacogdoches, December 17, 1821, 4 from which place he intended to strike out for his colony. The large number of letters of petitions for land and letters of inquiry concerning the conditions of colonization must have been reassuring

2 Ibid., 428

3 Ibid., 431. For settlement of this account see Austin Papers, "Account with Edward Lovelace", 490

4 Ibid., J. Gaines to Austin--acknowledges receipt of Austin's letter from Nacogdoches-- 460

to Austin, but they delayed him in Nacogdoches.

An accurate check of the work done by Austin during January and February cannot be made as there are no records. It is probable he spent this time, as he had agreed in New Orleans, trying to contact the party on the "Lively". Austin later reports⁵ that he visited, March 3, some of his new colonists. There were, as he states, fifty men on the Brazos River and one hundred on the Colorado, working on the construction of houses and planting corn, in order to be able to receive their families in the fall of the year. Eight of these first colonists' families included their women and children and Austin conjectures, at the time of his writing, that many more were en route to his colony.

The colonists on the "Lively," under the leadership of Edward Lovelace and the command of the Captain had fought adverse winds and calms. The mouth of the Colorado River was passed, and after many vexations the colonists landed at the mouth of the Brazos. Here Lovelace and William Little awaited Austin, but when it became apparent that he had been delayed, Lovelace set out to find the empresario. Little remained with a small party to defend the camp, but delay, drought and an Indian attack broke the spirit of the small group of colonists. Discouraged and disillusioned, the party straggled back to the United States. W. S. Lewis, one of the members of this first

5 Ibid., Austin's Memorial to Congress, May 13, 1822, 511

group to arrive on the "Lively" had suspicions that the Captain⁶ was more interested in finding a port where he could trade than in caring for the colonists.⁷ For many years the fate of these first immigrants was shrouded in mystery which led to many unfounded rumors and the general belief that the vessel had been shipwrecked and all aboard lost. It is a fact that the "Lively" returned after the first trip, February 6, 1822, for a new cargo and more settlers. On the return trip, as the vessel approached Galveston Island it was wrecked and much of the cargo was lost; Thomas Duke and all the other passengers were saved.⁸ Joseph Hawkins supplied three other vessels⁹ with settlers, provisions and farming implements. As Hawkins and Austin were not in close communication-- the latter was in Mexico--the ill fate of these colonists using the water route caused both men many worries and heartaches.¹⁰ These misfortunes led some to lodge complaints against Mr. Kincheloe and to spread unfavorable reports on the progress of the colony at the time when the popular wave of enthusiasm to colonize in Texas was spreading through the Missis-

6 W. S. Lewis, "Adventures of the 'Lively' Immigrants," Quarterly, Texas State Historical Association, III, 1-32

7 Ibid., Lewis wrote his account many years after the events, at the request of Col. Guy M. Bryan who claimed his copy was substantially the same as the original which had been returned to Lewis. Hawkins and Lewis were associates in the printing business in New Orleans and the latter wrote the notices for the Newspapers in the interest of the Austin Colony.

8 J. H. Kuykendall, "Recollections of Judge Thomas M. Duke," Quarterly Texas State Historical Association VI, 247-253

9 A. P., 476

10 Ibid., 502

issippi valley states.

When Austin arrived in San Antonio, Martínez informed him that the Mexican government had not approved the assumption of powers the governor had permitted in favor of the empresario.¹¹ In particular the provincial authorities objected to Austin's assuming the authority of giving out the lands, appointing judges, or appropriating any authority to himself without first referring the matter to them for approval.¹²

Martínez issued a passport¹³ to Austin on March 13 which made it possible for him to place his claim and problems personally before the central Government in Mexico City. The passport shows the progress of his trip. He arrived in the capital on April 29¹⁴ in time to witness the collapse of the Junta appointed by General Iturbide and see him assume the imperial title of Augustin I. The empresario wrote J. H. Hawkins, May 1, that the national government was well informed on his plans and hoped he would have his contract approved in a short time. There were certain details that must be settled to the mutual satisfaction of the government and himself before he could return to his colony. May 13, Austin wrote a Memorial to Congress in which he outlined the history, the purpose and concessions he desired

11 Ibid., Antonio Martínez to Gaspar López, Nov. 18, 1821; and the answer, López to Martínez, Dec. 15, 1821, 429-431

12 Ibid., 448-449 The original order was sent to Martínez on Nov. 18, 1822. In another letter in the Austin Papers under the date of Dec. 15, the order is more explicit and insistent.

13 Ibid., 483

14 Ibid., 517-518

15

they would grant him. Two days later General James Wilkinson, who had recently arrived in the Capital to seek a position in the government and possibly lands in Texas, sent a fine testimonial to the government on the character of Stephen F. Austin.¹⁶

On May 25, Austin addressed himself directly to the Emperor supplicating his protection and assuring the Emperor of his own and his colonists' sincere desire to become faithful subjects of the Mexican Government. Austin then, urged on by his knowledge that his settlers were without his leadership and by the earnest letters of his confreres, placed another appeal before the Commission considering his petition, in which he urged them to speed their action that he might return to his colony.¹⁷

18

We cannot pause to study the devious course the Austin grant followed; at first the empresario felt his petition would be granted without many delays, but he did not know the disappointments that awaited him. Months passed; finally the signed approval of the emperor seemed to indicate his stay in the capital was at an end, but before he could depart, a revolt swept away the empire and nullified the acts of that government. The Colonization Committee under the Republic began a reconsideration of the petition. Austin was desperate but dogged. Just when it looked as if another long delay was ahead, the Committee

15 Ibid., 510-516

16 Ibid., 516-517

17 Ibid., 523-524. Austin to the Ministro de Estado, G. Calderon

18 Cf. Barker, 55-77, for a detailed study.

decided to make his request an exception to the rule that all petitioners were to await the framing of the new Colonization law, and passed it on to the Sovereign Congress. On April 14,¹⁹ that body approved and confirmed the Austin grant. The empresario started for home a few days short of a year of being away from his colony. He stopped in Monterrey to consult the Provincial authorities on official business; and some friends on the drawing up of the new Constitution of the Republic, upon which he had worked in the capacity of a consulter.

Felipe de la Garza was then Commandant General of the Eastern Provinces, and it was to him that Austin applied to solve the difficulties that remained as unfinished business in the work he had done in the capital. Austin inquired; 1. If his powers to exercise justice in cases of capital offenses was to be complete or only to arrest the offenders and send them to Bexar for trial; 2. To what extent he was permitted to make war on the hostile Indians; 3. To what rank would he be entitled in the National Militia he was to organize; 4. If he could provisionally authorize a port of entry and issue clearance papers; if he could sanction the importation of the necessary household goods and farming utensils. Garza replied in a letter²¹ which made Austin a Lieutenant Colonel, and the highest officer in the militia; he was to administer justice in his colony; and he was

19 A. P., 679

20 Ibid., 651-653

21 Ibid., 672-673

entrusted with powers necessary to organize and preserve good order in all his establishments. On August 4, 1823, Bastrop²² issued a proclamation to the colonists on these powers and announced his own appointment as Land Commissioner of the Province. Austin followed this up with an "Address to the Colonists"²³ in which he asked ten men to join his militia, at regular pay, "to act as rangers for the common defense." The next day the empresario, from the home of Mr. Castleman on the Colorado, issued an official report to the colonists on the reasons for his long absence, the work done by himself to obtain the final approbation of the central government for his colony, and that now all was assured to his satisfaction. He pleaded with them to respect the Roman Catholic religion, the state religion, and announced his intention of having Father Maynes appointed as their Curate, as he was well acquainted with Americans, having been associated with them in Nachitoches. Austin explained that a small down payment would be expected of them before he could grant the land titles, but if they were lacking cash he would accept any kind of property. The time he allowed for the payment of the balance was from two to three years. Young unmarried men were urged to unite as one family when making their claim which they could divide among themselves later. The empresario closed this report with a plea for unity and confi-

22 Ibid., 677-678

23 Ibid., August 5, 1823, 678

dence as befitting men of American blood,

...Let every man do his duty, and we have nothing to fear Let us be united as one man discord must be banished from amongst us, or those who cause it will meet with most severe treatment... . 24

All communications from Austin to the colonists at this period express his hope for unity. J. H. Bell had exercised the authority of civil magistrate in the absence of Austin, but the policing of these scattered colonists got somewhat beyond his control. There are few records to show the precise nature of these strifes and dissensions, yet we may judge that his repeated pleas for unity were based on oral reports Austin had received since his return to Bexar. What more could be expected when the law abiding colonists, who had come expecting to find the colony in good order, under the control of Austin, found that even the principal men were living in uncertainty of the government approval! "The boom" had brought in men of questionable character, as is the case in all such movements, who had little regard for the rights of others, when the prized lands were open for the boldest and strongest. Austin wrote Bell on August 6, in which he enclosed the "Report" and the "address to the Colonists" that Bell was to spread among the settlers in the Brazos bottom-lands. It explained further how payments could be made on land grants; and the danger the colonists were in if the Indians were not kept pacified for another six or

eight months. The empresario informed Bell that he would be engaged with a trip to the mouth of the Colorado for the next two weeks after which he would visit the settlers on the Brazos. Bastrop issued an official notice,²⁵ August 9, in which he covered the matters of his previous announcement and assured the colonists the government would approve the land grants, sanctioned and signed by Austin and himself. The day following the issuance of this notice, Austin was recognized and acknowledged as invested with the command of all civil and military powers under the laws of the new Mexican Republic.

Austin wrote to Bell when he could not keep the appointment with the Brazos settlers as he had promised. In this letter he inquired concerning the best site for a capital and suggested several. Austin seems to have fixed tentatively upon a site some 60 or 70 miles up from the mouth of the Colorado. He asked Bell to choose a site which would be a good place for a city on the upper part of the river. He also asked that his own claims be selected and staked for he says "it is no more than just that I should have a pick as well as others, and I have too much public business to attend to, to do anything for myself and must call on my friends to aid me." He desired some good places, about six or eight league tracts, between Parkers

25 Ibid., 683-684 Barker says there were two copies made, one for the colonists on the Colorado and one for those on the Brazos.

and McFarlands, a good situation on some creek where the land was suitable for a stock farm; and also some good mill seats if they were to be had. Of this trying time he wrote in the same letter,

...I have not a moment that I can call my own, and the task before me is a very troublesome one I cannot expect to please all nor shall I try to do it I will try to satisfy myself by doing justice to all ... 26

Added to these preoccupations of founding the colony were almost daily reports on the depredations of the Indians. When writing to Luciano García, the Political Chief in Bexar, the empresario pens a marginal note in which he requests that Father Maynes be appointed to take care of the spiritual needs of his

colonists.²⁷ During this month of August also a Form of Land Certificate²⁸ was drawn up to be used when lands were issued to the colonists. It contained a review of the laws which authorized the transfer of lands from the National Government to the individual through the powers granted Austin and Bastrop; it likewise outlined the actual plot as surveyed. This certificate provided that the land "must be actually inhabited and cultivated within two years from the date of this concession", as "provided in the 2nd. section of the Law of Colonization." Austin found time to issue to Dr. Johnson Hunter the first official²⁹ license for a coasting vessel, the "Adventurer". The work was

26 Ibid., 689-690
 27 Ibid.,
 28 Ibid., 691
 29 Ibid., 691-692

becoming day by day more multiplied. Despite Austin's constant application to his business, the burden of sustaining the civil, military and judicial departments was too much for him. More officers and administrators were needed to expedite the business of the various departments. Although Austin was not yet ready to delegate these powers, in the next few months he found it to be necessary.

Austin still kept his official and personal accounts as one and the same business. These transactions of the empresario were complicated by his acceptance of property in payment for lands. A typical case was that of Jared C. Groce, who paid in cash, merchandise, and slave service.

As yet the colonization law of the State had not been drawn up, but Austin showed that he well understood the requirements it would contain. In two documents, "Terms of Settlement" and "Public Notice to Colonists", he insisted on the following points. No settler but those of unblemished character and good morals would be permitted to remain in the colony. No frontiersman or hunter with no other occupation, nor idler, drunkard, gambler, profane swearer would be permitted to reside there. Settlers were to receive on league of land at the rate of twelve dollars and fifty cents per hundred acres, payable in cash, Spanish cattle, or negroes; this covered the cost of "surveying, title deeds, recording, and all other charges." Single

men would be more particularly examined on their character than others. Ten single men had to band together to form a family to be entitled to one league. An exception was made for any single man who brought "considerable capital into the country" for all such will be ranked as a family and draw one League "Any person who brought in a large capital or one who had a large family might draw more than a league if he so wished. The head of the family was to be personally responsible for the good conduct of every member of his group. "The Roman Catholic is the established religion of the Mexican nation and the law will not allow of any other in this colony."³¹ All persons arriving in the colony must report in writing to the Alcalde of district; they must state the place of their birth, their present residence, the number of their families or companions, and the object of visiting the country. If they desired to become settlers they had to report to Austin and submit their recommendations or testimonials of good character before they could be allowed to select or purchase any land. Claims or even improvements did not satisfy for actual possession until titles were secured for the land.³²

On December 2, 1823, Austin found that the number of colonists in the lower Brazos lands made the creation of a new judicial district imperative. He issued a "Proclamation" which

31 Ibid., "Terms of Settlement", 705

32 Ibid., "Public Notice to Colonists", 705-706

made the country bounded on the north and south by the Coshatta Road and the sea shore and on the east and west by the Brazos to Chocolate Bayou and the east bank of the Bernard creek into the District of San Felipe de Austin. This decree was to take effect January 1, 1824. Austin, a short time later writing from the Brazos Province to Lucas Alaman,³³ revealed his embarrassment in administering justice and preserving order without laws and copies of legal forms. He assured the Minister of Exterior and Interior Relations that he had conformed to the laws as he could ascertain them, and

...where I could not, nor where they did not apply to the cases arising of our peculiar situation, necessity has compelled me adopt provisional and temporary regulations which are intended to operate until the laws can be procured and translated into the English Language

Austin cited the order he received from the Commanding General in Monterrey to condemn criminals to hard labor until the superior government could decide on these cases. He stated this was practically impossible as there were no jails, no troops, no prisons to enforce the decree. This weakness of the civil authorities emboldened the evil men and discouraged the good. Austin was faced with the painful alternative of either permitting the criminal to go unpunished, or of taking upon himself the responsibility of inflicting corporal punishment. In view of these conditions on December 4, he had instructed Josiah H.

33 Ibid., January 20, 1824, 725-729

Bell, the Alcalde of the Brazos district, that he should carefully watch that no undesirable persons be admitted into the colony. Furthermore he authorized the alcalde to whip any notoriously bad character "not exceeding fifty lashes and seize sufficient of his property to pay a guard to conduct him beyond the Trinity." Austin explained that one example of this kind would inspire fear and respect, and probably would stop other offenders.³⁴ It is evident that Austin and his alcaldes were administering justice as circumstances warranted. Austin had to continue in this manner for some time as a written code of laws was not to reach him until later. Had Austin not had the confidence of the State officers, they would not have permitted him to exercise such discretionary powers.

The empresario hastily drew up a set of instructions and regulations for alcaldes which he sent to John P. Coles, alcalde of the Brazos.³⁵ Austin expressed the hope that these instructions would not contain too many errors or omissions as they had been drawn up "without the aid of any book of forms or precedents". He wrote that he hoped experience would guide the alcaldes to make worth-while suggestions which he could use to correct his code. To make his colonists feel some confidence in the new Republic of Mexico, Austin wrote in a democratic spirit that he hoped to "respect the opinion and wishes of a Majori-

34 Ibid., 716-717

35 Ibid., January 25, 1824, 731

ty... as far as my powers and instructions from the Govt will permit."

The need for a central Recorder's Office was keenly felt. The American colonists had been accustomed to record their deeds and property in the United States. They demanded that an office of a public Recorder be set up and sanctioned by the highest authority of the state. They had been accustomed to record their land titles, their cattle brands, sales, and property transactions. Austin in his letter of February 3, 1824, had petitioned Bastrop to place his request before the Provin-

36

cial Deputation. An understanding was arrived at, on this matter, between Austin and Saucedo. Although the latter felt it was the duty of the alcaides to discharge this duty of recording he nevertheless instructed Austin to act as general secretary of records and archives which should eventually be deposited with the ayuntamiento. Samuel M. Williams arrived in the colony in May 1824, and Austin appointed him recorder of deeds which commission he faithfully discharged for eleven

37

years. Williams was proficient in Spanish and a tireless worker. The General Land Office records of this period are in his artistic hand and are a good index of his character and careful workmanship.

The partisans of the Federalists and Centralists deliber-

36 Ibid., 737-738, for reply see, Saucedo to Austin, 751

37 Barker, 132

ated in the National Congress for months which type of constitution should be adopted. Austin favored the Federal Republic and he had drafted a constitution based on that of the United States for Ramos Arizpe in Monterrey during June, 1823.³⁸ The adoption of a federal constitution was a source of much concern to Austin and many others as we see from many letters.³⁹ Austin informed James Cummins that the National Congress had voted to accept the federal system and that the constitution had been modeled upon that of the United States.⁴⁰ On March 9, 1824,⁴¹ Austin was granted citizenship in the Mexican Republic. Another matter of importance to the state was the desire of Erasmo Seguin and the Provincial Deputation to have Texas formed into a state separate from Coahuila. They feared the union of these two states would submerge the interests of Texas into those of Coahuila.⁴² Bastrop, Saucedo, and other friends who were members of the local government, wrote to Austin on March 18, 1824, suggesting that the colonists elect him to the State Congress to represent his colony.⁴³

The work of issuing titles to the colonists began when Bastrop and Austin first visited the Colorado settlers after the

38 A. P., 656 Barker fixes the date in June although Austin had dated it for May. The former accounts for the error by saying that Austin must have later dated the document from memory.

39 Ibid., 670-747

40 Ibid., 746-747

41 Ibid., 750-751

42 Ibid., 740-742

43 Ibid., 752-753

empresario returned from Mexico in August 1823. Bastrop stayed with the colony until January 20, 1824, when he was recalled to take up his position in the ayuntamiento of Bexar. Up to September, 1824, Austin and Bastrop had granted 272 titles to land, of which 17 were to "families" of single men.⁴⁴ Gaspar Flores succeeded Bastrop to the position of Land Commissioner, but this was only in 1827, when the second issue of land titles began to come from the office of the General Land Commissioner. This delay in the granting of titles and the confusion that arose over the manner in which Austin granted more land to one colonist than to another caused the dissatisfaction of the colonists in the first years. The problem of reimbursing the empresarios began the difficulty, and neither Austin nor the State Congress could quite solve the intricacies of the situation. Certainly the colonists could not have been expected to fathom the argument! The Political Chief, Saucedo, had ordered the payment of a fee bill instead of Austin's twelve and one half cents an acre. Now that the colonists were to receive their lands in leagues and labors, the bill required the payment of \$127.00 to the Commissioner, \$27.00 to the surveyor, \$8.00 for stamped paper and clerical work, and \$30.00 to the State.⁴⁵ They saw only the inequality in the distribution and the payment for services. Many

44 Lester G. Bugbee, "The Old Three Hundred" Quarterly, Texas State Historical Association, I, 109

45 Barker, 113. Barker is not certain if these were the "prevailing and customary charges."

held fresh memories of the injustices committed by the Land Agencies in the United States. Men with such grievances naturally gave a willing ear to the rumors and slanders of malicious men who saw in this dispute a means of avoiding payment of the fees that were rightly coming to Austin.⁴⁶

Joseph H. Hawkins, as we have already seen, was to advance Austin four thousand dollars for which he was to receive half of the premium lands of the First Colony. Hawkins died⁴⁷ leaving his claim to his wife and heirs. She appointed Nathaniel Cox⁴⁸ as her legal representative in March, 1824. In October of the same year she wrote to Austin that she felt confident that her interests were safe in his hands; that he would make the most just and equitable division of lands accruing from their partnership.⁴⁹ Austin had a sincere regard for Mrs. Hawkins and throughout his dealings with the family he sought a fair settlement. After many attempts to adjust these affairs he writes in 1832,

I believe I have nearly got through the troublesome business of settling my affairs with the Hawkins estate and I have in this settlement given up at least one fourth of what I was entitled to, in order to have it finally finished and off of my mind. 50

He finally gave the Hawkins heirs half of the twenty-two and a

46 Ibid., 109-123, Barker gives a detailed account of the situation.

47 A. P., Austin to J. H. Bell, Jan. 8, 1824

48 Ibid., 754-755

49 Ibid., 923-924

50 Ibid., 884

half leagues and three "labors" of premium land, granted him by the Mexican government for having settled three hundred colonists in his first grant although he had not received the whole payment on the four thousand dollars "that was originally contemplated."⁵¹

Joseph Hawkins engaged in several investments in connection with the colonization of Texas. Austin was in no way involved with these independent enterprises of Hawkins. Austin felt he was not liable for the two business ventures undertaken by Hawkins. Littleberry Hawkins,⁵² a relative of Joseph Hawkins, had been intrusted with a vessel of goods to sell the Texas colonists. The sale did not even produce sufficient returns to reimburse J. H. Hawkins for his investment. John Botts⁵³ and J. H. Hawkins speculated in negro slaves but this venture also failed and Hawkins lost a considerable amount of money on the enterprise.⁵⁴ J. H. Hawkins before he died wrote several letters in which he stated that his investments in Texas were approaching seven thousand dollars. Nathaniel Cox had a clear notion of the account as it stood between Austin and the Hawkins family. He realized that the contract called for "One half of the

51 Ibid., 859-865. Here Austin gives a full account of the work he had done to found the colony, his difficulties, his financial reverses and his opinion on the merits of Hawkin's claim against him.

52 Ibid., 632-633, gives a list of the articles "saved out of the general reck"

53 Ibid., 861

54 Ibid., Hawkins to Austin, May 31, 1822; Hawkins to Maria Austin, March 29, 1823; Hawkins to Austin, July 23, 1823

Grant"⁵⁵ of the First Colony's premium lands. Cox informed Austin on June 3, 1824, that he had made a check on the disbursements of Hawkins, and they amounted to thirty thousand dollars, on vessels, seamen, cargoes, and loans to travelers. Barker remarks that the heirs of Hawkins were never fully aware of the true facts concerning the contract of Austin and Hawkins as they were not acquainted with the correspondence that went on between Cox and Austin. They pressed their claim for twenty⁵⁶ years and finally ended in the courts of the Texas Republic.

55 Ibid., 941-942

56 Cf. Barker, 287-291, for a fuller treatment.

Chapter IV

The Minor Empresarios

The Austin Colony also known as the Old Colony or First Colony formed the heart and was the paragon for all the other colonizing efforts in Texas. The best compliment they could pay Austin was that they imitated his alcalde system, his municipal system, and his organization for issuing land grants. It is true that Austin did not originate these systems but merely adapted the Spanish institution to the needs and the character of the American immigrants. Other colonies turned to the leadership of the Austin Colony as it had the largest percentage of the population, representation in the State Legislature, and a capable leader who held the confidence of the State and National authorities.

Austin obtained fifteen contracts, but he utilized only four and collaborated with Samuel Williams on a fifth. Other empresarios entered the field, fourteen in all up to the time of the Revolution, but as we are concerned only with the attempts made before the passage of the exclusion law of April 6, 1830, we shall not have to consider all of them. Often these other men are referred to as Minor Empresarios. It is the purpose of this chapter to review briefly the laws that controlled colonization and to make a short survey of the other attempts to bring

colonists into Texas. Most of the empresarios had to forfeit their contracts when they were unable to settle the number of colonists agreed upon in the specified six years. Some succeeded in part while others did not settle one family. The obstacles and difficulties that lay in the path of all the empresarios well nigh doomed their undertakings even before they began.

When the National Congress assembled in 1823, it found the country in a sad state of affairs; the political horizon was daily becoming darker, public confidence had left the government and the national and private credit had become paralyzed. It was evident to all that the first duty of the Congress was to draw up a constitution, if confidence was to be restored. Congress passed the "Acta Constitutiva" which declared for a Federal Republic and finally, on October 4, sanctioned and promulgated the Federal Constitution. After this the Colonization Law became one of the major issues and many discussions of this Congress were devoted to it. Erasmo Seguin had¹ been chosen to represent the colonists of Texas in the Congress. For some months the Colonization Law was studied. During these months several members of the committee on colonization were changed. After many revisions the National Colonization Law emerged from the committee rooms. It was formally voted upon² and published August 18, 1824. The law was general in its pre-

¹ A. P., 723-724

² H. P. N. Gammel, The Laws of Texas, Austin, 1898, I, 98

scriptions and allowed the individual states sufficient latitude to frame their own laws as their need required. Since the separate states were jealous of their powers, the national government permitted each to control the disposition of its lands and set down the condition for colonization, but these regulations must conform to the spirit of the national law. The main features of the National Colonization Law were: the Mexican government offered foreigners security in their property and person if they obeyed the laws. It instructed the states to draw up as soon as possible their colonization laws in conformity to the national laws. No land lying within twenty leagues of the boundaries of any foreign nation, nor within ten leagues of the coast could be occupied without the approbation of the Supreme Executive. Until four years after the publication of this law, no imposts were to be levied on any of the foreigners who took up residence in the country; until 1840, the general Congress was not to prohibit the admission of any foreigners. In the distribution of land, preference was to be shown to the Mexican citizens and especially to those who had served their country with distinction. No individual might have under his control more than one square league of irrigable land, four of arable land not irrigated, and six of pasture lands. New settlers were not permitted to transfer their property to a religious community. No one who had gained possession of land in this territory was permitted to hold it after he had passed out of the country.

This law guaranteed the contracts of empresarios who brought in colonists at their own expense.³

Austin was not acquainted with the text of the national law for some time after its passage, neither was he too well informed on the workings of the state legislature. He petitioned the Governor for laws to regulate his colony in December of 1824.⁴ He showed that he had a well-defined plan revolving in his mind, when a few days later he drew up the "Memorial to the Legislature"⁵ and the "Memorandum of Points to be Presented to the Legislature".⁶ It appears however that not all these representations were sent. About the same time Bastrop wrote to Austin informing him that Juan A. Saucedo had been named the Political Chief of Texas,⁷ and he observed that only nine articles remained in the state colonization law to be approved. The State Congress of Coahuila-Texas approved its colonization law March 24, 1825.⁸ Saucedo wrote Austin on April 14 that he was sending a copy of the colonization law which he hoped Austin would spread throughout his colony and send to the Nacogdoches district.⁹

The State Colonization Law (Decree No. 16) contained for-

3 Ibid., 97-98

4 A. P., 993-995

5 Ibid., 996-1002

6 Ibid., 1002

7 Ibid., II, 1056-1060, Part two of the Austin Papers begin with January 1, 1825

8 Gammel, I, 106

9 A. P., II, 1075-1076

ty-eight articles, many of them being merely restatements of the national law. The differences or additions worthy of note are: All immigrants must apply to the local government for admission; they must take an oath to obey the Constitution and respect the state religion. This oath made them citizens. A register was to be kept that indicated the names, the occupation, the country from which the immigrant came, and whether married or single. The immigrant must be a Christian, a person of morality and propriety. An empresario was not to receive bonus lands if he failed to settle at least one hundred families in the time specified in his contract. A league (sitio) was to measure five thousand yards on a side or twenty-five million square yards of surface. One unit or subdivision (labor) consisted of one million square yards or surface. An empresario who settled one hundred families was entitled to five leagues of grazing lands and five subdivisions of arable land. At this rate they could receive land up to the settlement of eight hundred families but no more. Empresarios received no consideration on the fractional parts of a hundred families. No empresario was allowed to own more than eleven leagues; if he accumulated more he had twelve years to dispose of the surplus. Families cultivating land were to be given one division and those raising cattle one league. Families who engaged in farming and cattle raising might obtain a division and a league. If they engaged only in cattle raising they were granted twenty-four

million superficial yards. When bachelors married they were entitled to their full amount, and, if they married Mexican women, they were allowed one-fourth more. The government promised to augment the allotments to the colonists who showed more activity and industry. The State was to receive thirty dollars for all grants and two dollars and a half for each subdivision of arable land, and three and a half for irrigated land. These payments were to be made within six years in three installments. The local treasurer was allowed to retain two and half percent of these funds. If through some mistake a grant was made which was already covered by a previous grant, the original owner was to be given the land, but he was to reimburse the claimant for all improvement he had made and the government was to give the new claimant another grant. The State had no power to alter the general prescriptions of the law for a period of six years. Property might be willed to heirs but they also inherited the obligations of the contract. No property could pass into the hands of a religious community. Settlers were free from taxation for the first ten years. Four leagues were to be set aside for the proposed towns. Empresarios and artisans were to be given town sites gratis; all other sites were to be sold at public auction. When forty families were joined in one place, a town could be established and an election should take place for municipal officers under the direction of the Commissioner. The Government should see to it that the proper amount of cler-

gymen be supplied and that their salary be paid. "As regards the introduction of slaves, the new settlers shall obey the laws already established, and which hereafter may be established on the subject."¹⁰

Although Moses Austin is given credit for being the first to realize the possibilities of exploiting the lands of Texas, he was not the only one who endeavored to obtain lands very early. The empresario plan became known in the United States some months after the Spanish Cortes passed the decree in 1821. When Stephen Austin arrived in Mexico in the spring of 1822, he discovered, much to his surprise, that a small group of foreigners, who until "very recently...were proscribed by Laws and Discouraged by the people...", were in the capital seeking ways and means to obtain the same purpose he had in mind. The Congressional Committee of Colonization had received a petition for Texas lands, March 20, 1822, from Benjamin Milam and three companions. Austin wrote his partner, Hawkins, that Andrew Erwin and Robert Leftwich of Tennessee had preceded him to the capital, and that two Europeans wished to settle five thousand Irish and eight thousand German colonists. We have already seen that General James Wilkinson was in Mexico City seeking preferences and favors in the new government even before Austin had¹¹

¹⁰ Gammel, I, 99-106 The extent of a grant can be better understood if it evaluated in acres. A "sitio" equalled 147 acres and a "labor" 4428 acres.

¹¹ Barker, 52, See also A. P., Austin to Hawkins, May 1, 1822; Reilly to Hawkins, April 26, 1822.

arrived there.

While Iturbide held the throne other petitioners requested lands, among whom were Diego Barry, Tadeo Ortiz, and Felipe O'Reilly. They sought to be granted six thousand leagues for ten thousand Irish and Canary Islanders. The Committee on Colonization made a recommendation, June 3, that two thousand leagues be granted for fifteen thousand persons of marriageable age. The land remaining after this number had been settled was to be turned over to the empresarios as bonus lands. It required also that the colonists, under pain of forfeiture, settle on their lands in two years and within six years, improve them. The empresarios were required to sell one-third of their residuary lands within ten years and the other third in the next ten years. These recommendations did not carry through, but they do indicate the trend of affairs and show some of the ideas that were later to be embodied in the laws on colonization.¹²

Robert Leftwich and Haden Edwards remained in Mexico City after Austin had departed to take up the administration of his colony. These petitioners as well as nine others requested the committee of Colonization on June 10, 1823, through the Minister of Foreign Relations, that they be granted lands in Texas.¹³ When the State of Coahuila-Texas passed its colonization law,

¹² Barker, 58, 110

¹³ Ibid., 140, Barker citing Mateos in Historia Parlamentaria de los Congresos Mexicanos, II, gives the activities of Leftwich and Edwards to obtain lands.

all petitions had to be placed with the State authorities in Saltillo. As Austin had as yet not seen the National colonization law, he addressed a petition on October 1, 1824 and again on November 6 to the national government to settle two or three hundred families on the lands adjoining his First Colony and on the shores of Galveston Bay. He foresaw the possibilities of exploiting the cotton trade with England if he could obtain the opening of the port of Galveston.¹⁴ Austin wrote Gaspar Flores that some settlers had gone beyond the limits of his original grant and had taken up homes along and in the vicinity of the San Jacinto River. He asked that he be allowed to include these colonists in his First Colony.¹⁵ Saucedo some time before, September 21, 1824, had given Austin some encouragement to this plan when he wrote,

...to prevent the uninhabited Island of Galveston from being occupied by Pirates or Vagrants...and in order also that those persons settled on the River San Jacinto may become component part of the three hundred families which are to form your colony... . It appears to me very proper that the jurisdiction of your district should extend to include those places... .¹⁶

Since the Governor had indicated his opinion on jurisdiction, Austin naturally concluded it would be an easy matter to obtain a land grant to the region. This matter was not again dealt

¹⁴ A. P., Explanation to the Supreme Executive, 912-916; also petition to State Congress, 935-936.

¹⁵ Ibid., 934-935

¹⁶ Translation of Empresario Contracts, II, 18. These records are to be found in the General Land Office at Austin, Texas. Hereafter this work will be cited T.E.C.

with until 1828 when it formed the basis of Austin's fourth contract better known as the Coast Colony.

Bastrop wrote Austin, April 27, 1825, that certain enemies of Anglo-American immigration were at work in Saltillo to prevent further grants. He again refers to the matter in his letter of May 6 and points out General Wilkinson as a trouble-maker. Bastrop tells Austin that Messrs. Leftwich, Edwards, Thorn, and DeWitt had been given grants. About this time Bastrop was working on the new petition Austin had placed with the Colonization Committee. Austin had directed his petitions to the National government which in turn referred them back to the State authorities as the business now properly belonged to the State. In the first instance Austin had asked to colonize three hundred families, and in the second he requested permission for five hundred. Before the second request arrived at Saltillo Bastrop had obtained the approval of the State Colonization Committee for the first request, on April 27, 1825.¹⁷ This was Austin's first contract with the State and started him off on his second venture of colonization. The Committee had indicated that the contract was not binding until Austin signed it. This he did on June 4, 1825, and returned it to the government for filing. The contract required that he settle these colonists on the vacant lands of his first colony. This raised the question of boundaries, for the government had not as yet definitely fixed

the boundaries of the First Colony. The matter dragged on until March 7, 1827, when the Colonization Committee decided to draw the boundary lines for the grants it had issued.

The many recent grants made it obvious to Austin that he had competitors in the fields. He no doubt had previously scanned the possibilities of new colonizing ventures. This is suggested by the fact that when writing to the government in September, 1824, he referred to the colonists who had settled beyond his grant. He stated furthermore that most of these settlers had come to Texas with the intention of taking up residence in his colony but they had found upon arrival that the quota of three hundred families had been filled. Most of them headed back eastward and settled on the Trinity and Neches Rivers or around Nacogdoches. Austin stated that these settlers could not obtain grants in these locations as there was no local authority east his colony empowered to grant land contracts. He also pointed out that many of these families were industrious and desirable, but they would not long remain so, if they were allowed to associate with the lawless element on the eastern border of Texas. The matter made no headway for two years but finally budded out in what later became known as the Little Colony. Austin petitioned that one hundred of these colonists could be located on the upper Brazos and Colorado Rivers, north of the San Antonio Road. This colony would act as a buffer against the Tehuancanos Indians who had recently been guilty of

raids on the Austin Colony, had been a constant menace to travelers of the San Antonio Road, and had very recently raided the outskirts of the city of San Antonio.

The petition of Austin for the Little Colony differed from his other contracts in that it stipulated that each colonist was to pay him thirty dollars for his services in obtaining their land grants. He promised the government to form the colonists into a militia; he promised also to settle all the colonists on his original grant if there was not sufficient land for all of them in the Little Colony. The boundaries on the west ran fifteen leagues up the west bank of the Colorado and on the south along the San Antonio Road from the Colorado to the Brazos. The north and east boundaries were none too definite for the grant intended the north boundary to run parallel to the San Antonio Road along the watershed of the two rivers until this line met the western boundary line of the Nashville Company. The eastern line was to proceed south along the Nashville Company line until it reached the San Antonio Road. This grant for the Little Colony was approved November 20, 1827.

We have already seen that Austin had an interest in the lands that extended from the southern boundary of his original colony to the coast, also known as the Ten Border Leagues. Governor Viesca conferred the title of Commissioner of this land

18 A. P., II, 1034-1035

19 T.E.C., I, 131-134

upon Austin. On June 5, 1826, the empresario formally asked to colonize this territory and indicated these boundaries. Beginning on the east bank of the Lavaca River at the coast, the line was to go north until it intersected the boundary line of the Ten Border Leagues, thence eastward to the San Jacinto River and south along this river until it reached the coast, thence westward along the coast until it reached the mouth of the Lavaca River, the point of beginning. This petition was indorsed by Victor Blanco, the Governor, in July, 1826, and forwarded to the Supreme Executive. The matter rested here until Canedo, Head of Home Affairs, secured the President's signature April 22, 1828. With this the grant was sent to the Governor of Coahuila and Austin was free to undertake his fourth colonizing enterprise. As the fifth contract known as the Austin-Williams Colony was approved after 1830, it does not form part of this story.

During the five years in which the State Colonization law operated the following grants were approved. This is the catalogue of contracts transmitted from the State government to the Political Chief at Bexar. These contracts made by the State give the date, the Empresario's name, and the number of families he was to introduce.

1825	April 15	Haden Edwards and Robert Leftwich	800
1825	April 15	Green DeWitt and Frost Thorn, each	400

20 Ibid., I, 151-155

21 Ibid., I, 1

1825	Oct.	6	Martin DeLeon	41
1825	Oct.	22	John G. Purnell and Benjamin D. Lovell	200
1826	Jan.	12	Benjamin R. Milam	300
1826	March	9	General Arthur G. Wavell	400
1826	May	27	Stephen J. Wilson	200
1826	Dec.	21	Joseph Vehlein and Company	300
1826	Dec.	22	David G. Burnet	300
1827	May	21	John Cameron	100
1828	Feb.	19	John Cameron	200
1828	Feb.	23	Richard Exeter and Stephen J. Wilson	100
1828	June	11	James Hewetson and James Powers	200
1828	Aug.	17	John McMullen and James McGloin	200
1828	Nov.	17	Joseph Vehlein and Company	100
1829	March	12	Lorenzo de Zavala	500
1829	April	30	Martin DeLeon	150
1829	Feb.	6	Juan Antonio Padilla	200
1830	Feb.	12	Thomas J. Chambers	800
1828	Oct.	22	"To sundry families residing between the Atoyac and Sabine Rivers"	200
1828	Nov.	11	"To sundry families residing between the Trinity and San Jacinto rivers."	200

There is also a list of thirty-nine names of individuals who purchased land ranging in extent from 2 to 17 leagues. Most of this group were Mexicans. For the years 1827-1830 there is a

list of 91 individuals who received land grants.

Of these empresarios Thorn, Purnell and Lovell, Wavell, Wilson, Cameron, Exeter and Wilson, Padilla and Chambers made no permanent settlements nor even attempted to fulfill their contracts. On the other hand Burnet, Zavala, Vehlein, Leftwich and the Nashville Company, Milam, McMullen and McGloin, Hewetson²³ and Powers made some efforts but succumbed to the difficulties.

Although Leftwich took out the grant in his name he represented Robertson and a group of settlers from Nashville, Tennessee. This grant and that of Benjamin Milam were in central Texas while those of Burnet, Zavala, Vehlein were in East Texas. The grants of De León, Powers and Hewetson lay along the coast in the extreme southwestern part of the state. The McMullen-McGloin grant was northwest of the Hewetson Colony. It is not necessary to search out thoroughly all of these grants for we are only interested in those that brought settlers into the state.

Green DeWitt who received his grant for four hundred families on April 15, 1825, was one of the most successful empresarios. He invited James Kerr of Missouri to be his chief agent

22 Ibid., I, 3-5. Mary V. Henderson in her article on "Minor Empresario Contracts" in the Quarterly of the Southwestern Historical Association, XXXI has compiled this list. The grants of Purnell and Lovell and the one of Thomas Chambers are omitted in list of the translations of Empresario Contracts but are to be found in the original grants. There were two other grants made under the Colonization Law of 1825, and two under the revised law of 1832, but these efforts came after the Law of Exclusion of April 6, 1830.

23 M. V. Henderson, Minor Empresario Contracts, Quarterly Southwestern Historical Association, XXXI, 296

and was for DeWitt what Samuel Williams was for Austin. Kerr arrived at Brazoria in February, 1825, only to go on to San Felipe de Austin. His first days in Texas were sad indeed for the epidemic that was then raging carried off his family. He struck out for the west and came upon the junction of the San Marcos and Guadalupe Rivers where he decided to settle down. A short time later he moved two and a half miles east to the junction of a small creek, (Kerr's) where he laid out a town which he named in honor of the provisional Governor of Coahuila, Gonzales. It was not long until Francis Berry joined him, and a few others with their slaves began the erection of cabins. Like all early foundations life became a struggle for existence. The DeWitt Colony was handicapped by its remoteness from the line of immigration and the popularity of its better publicized neighbor, the Austin Colony. As the fourth of July, 1826 approached, some men of the colony went to join the celebration that had been announced for the Austin Colony, while others organized a hunt to replenish the meat supply. The Indians nearby observed the departure of the two groups of men and decided to attack the little settlement. One colonist was killed but the rest fled with the women and children to the Austin Colony for protection. A little later these hardy pioneers, who had first ventured to settle west of the Colorado, again were on the move to attempt a second foundation, but this time at the mouth of the LaVaca River. At the same time DeWitt joined this

group with the settlers he had just brought from Missouri. In August of 1826 the number had reached forty. Either through ignorance or because of his desire to see his colonists fixed in their locations, DeWitt appointed Kerr surveyor with powers to assign land grants. This power the empresario had no right to confer.
24

Thomas Powell arrived on the "Escambia", a vessel carrying settlers from Missouri and a cargo, part of which was the contraband article, tobacco. With him came a certain Dr. Olvidar, a Frenchman, who claimed he had been an officer in the Mexican army. Trouble was soon to break out between the settlers of the two empresarios DeWitt and De León. These grants adjoined each other and as the boundaries were not definite both groups felt the other was invading the land assigned his colony. It seems Olvidar instigated this trouble secretly at first, but finally he revealed himself when he tried to wrest the control of the DeWitt Colony from the empresario. He sought to have James Norton place himself at the head of the colony, but Norton refused to have any part in the machination. Olvidar then took another tack. Since the "Escambia" had carried tobacco, the whole cargo was subject to confiscation according to the Mexican law. DeWitt was reported as being a party to contraband trade, and after he was accused he was carried to Bexar as a prisoner.

The settlement at the mouth of the LaVaca River was ordered broken up. DeWitt was subsequently exonerated but his colonists were scattered. He immediately petitioned that his settlers be allowed enough time to plant and harvest a crop of corn as they were in sore straights since they had been driven off their last holdings. This extension was granted, and the colony returned to the first site of Gonzales to begin anew the founding of the town. DeWitt incurred the disfavor of the government again when he appointed James Norton alcalde. The state authorities removed Norton and placed the colony under the jurisdiction of Bexar. Later in 1827, it was placed under San Felipe de Austin and finally under Judge Thomas Duke. It was only in 1833 that this colony was permitted to have its own ayuntamiento. The government replaced Kerr in his position of surveyor with Byrd Lockhart but did nothing about securing land grants until it sent José Antonio Navarro as Land Commissioner in 1831.²⁵

Three months after the famous decree of April 6 there arrived at LaVaca fifty-four families for the DeWitt colony. The government had handed down the ruling that the colonists "en route" to the Austin Colony and the DeWitt Colony were to be permitted to enter. For a time this favorable ruling made it appear that the government looked favorably on the DeWitt colony, but that impression was soon corrected when the empresario applied for a renewal of his charter. His original contract

had expired on April 15, 1831. The mind and the temper of the government was now thoroughly aroused against any and all Anglo-American settlers. The Governor refused DeWitt's request saying that as he had not fulfilled his first contract he could not grant another. He ruled that whatever lands were rightfully surveyed and held by settlers would be acknowledged, but all free lands were confiscate to the government.²⁶

The two colonizing efforts of DeLeón and DeWitt were closely bound together, and to understand the conflict that arose, a review of the records is necessary. Martin DeLeón was a native rancher of Mexico who heard of the inducements being made by the government to occupy the fine grazing lands of Texas. He conceived the idea of becoming an empresario on a grand scale, but when he could not persuade all the ranchers he thought he could, he applied for a small group. This appeal was laid before the Provincial Delegation at Bexar and he received his grant in April, 1824, which was prior to the enactment of the state colonization law. Under the colonization law he received his grant on October 6, 1825, which was six months after the DeWitt grant. This matter of priority and the natural antipathy of the Mexican for the American began the differences between the two empresarios. When DeWitt started to occupy his claim he found the DeLeón families already there. DeWitt appealed to the government, but he received the reply that he

would have to respect the lands already occupied by the other group. As no boundaries were fixed, DeLeón understood his lands lay between the LaVaca and Guadalupe Rivers and from the La Bahía-Nacogdoches road to the ten coast league border.²⁷ DeLeón was by nature contentious, placed a claim to the fairest land of the DeWitt grant as being within his boundary.

After the Olviar incident and the breaking up of the settlement at the mouth of the LaVaca River, the DeWitt colonists were convinced DeLeón had a hand in the matter. They also accused him of instigating Rafael Manchola to put a claim to the land between the Coleta and LaVaca Rivers. This contract was approved, but it was only the strongest protest from DeWitt that he was being deprived of his best land that made the court revise its decision. The matter dragged on after 1831, and after DeWitt's contract was declared forfeited, a new division was made of all the free lands of Milam's and DeWitt's colonies. As Mexicans were the only ones dealt with after 1830, the government decided to distribute the Mexicans who had not yet settled upon these free lands. Juan A. Padilla was made Land Commissioner of this territory in 1828.²⁸

²⁷ M. V. Henderson, Minor Empresario Contracts, Part II, Quarterly Southwestern Historical Association, July, 1928, XXXII
²⁸ Rather, 142. For a complete list of the original settlers in the DeWitt Colony see the Appendix of this article, page 163. Here is listed 181 settlers who received land grants and 18 who bought land. Those who had bought land were generally in this region before the land grants of the empresarios were made.

Benjamin R. Milam as we have already seen was one of the very first to petition for land in Texas. He received his grant from the State January 12, 1826 for three hundred families. The grant, in general, lay between the Guadalupe and Colorado Rivers on the west and east and from the San Antonio Road to a line parallel to it fifteen leagues north.²⁹ The General Land Office has the book of the Milam Colony in which sixty-three families are listed as receiving grants. The carelessness of the recorder of deeds precludes the possibility of ever solving the question if this was the complete record of grants. Milam had to forfeit his contract at the expiration of his six years and it is quite certain few settlers dwelt there.

Haden Edwards was another of the group that early petitioned the central government for land. His grant was one of the first four issued by the State Colonization Committee, April 15, 1825. His grant was along the eastern border of the State in the region of Nacogdoches. His boundary on the south was the Ten Border League line, and on the east the Twenty Border League line. This eastern line ran fifteen leagues north of Nacogdoches, and from there the line ran perpendicular to the eastern line until it reached the Navasota River. It followed this river down to the San Antonio Road and then jaunted back until this road met the west Fork of the San Jacinto, and down that creek³⁰

29 T.E.C., I, 92-93

30 Ibid., I, 37-39

until it met the Ten Border League line.

This territory was the scene of trouble for more than
 31
 eighty years. We have already referred to the unsettled condition of the East Texas colonists. Not all in the area were what they were generally regarded as being, lawless, ruthless fugitives from both countries. The region was assigned to the Commandant of Nacogdoches after 1820; the weakness of the garrison and the shifting population made the enforcement of law and order impossible. The territory was notorious for its number of squatters as the lands had been owned by the Missions, by pioneer owners, and more recently by many who paid for lands only to find their titles worthless. In theory the original owners still held the titles and could at any time press their claims, which the Mexican government repeatedly recognized. Much of the disorder and violence resulted from these conflicting claims. In view of these conditions it is not surprising to find Edwards embroiled in trouble no sooner than he attempted to manage his colony.

The immediate cause for the outbreak of hostility was the Proclamation of September, 1825, in which Haden Edwards stated:

...that every individual, or family, resident within the limits of the specified territory and all those who claim to have a right to any part or parts of the

31 Lester G. Bugbee, "The Texas Frontier," 1820-1825, Publications Southern Historical Association, IV; see also, Isaac J. Cox, "The Louisiana-Texas Frontier," Part I, Quarterly Texas State Historical Association, X, and Part II, Quarterly, Southwestern Historical Association, XVII (July and October Numbers).

land or lands of said territory shall immediately present themselves to me and show me their titles or documents, if any they possess, so that they may be received or rejected, according to the laws; and if they do not do this, the said lands will be sold, without distinction, to the first person who occupies them. Those who have valid titles will be obliged to bear the cost of proving them. And by this notice I order that no person shall settle within the limits of my territory without my permission. 32

Many of the settlers in this part of the country had joined Gutiérrez and the later Republican armies in Texas that had fought to bring independence to Mexico. They knew the articles in both the National and State Colonization Laws, which stated they were to be given preference. These settlers felt that the earlier grants and even the empresarios grant to Edwards should not conflict with their holdings. A protest by the settlers to the Supreme Authority caused that authority to issue through Musquis an annulment of the Edwards contract already on August 23, 1826.³³ Charges were preferred against the empresario on November 29, 1826.³⁴

One hundred and sixty-eight settlers of Ayish Bayou, on March 10, 1827, sent a petition to the government.³⁵ They stated they had lived between the Sabine River and Nacogdoches previous to the passage of the Colonization Law. They had settled, cleared timber, built homes, and had constructed mills and gins.

32 Barker, 173. Barker establishes this as the best of several translations.

33 T.E.C., I, 37 -39

34 Ibid., I, 104-111

35 Ibid., I, 168

They said they realized that since they lived so near each other they could not petition for leagues of land without prejudice to one another, so they now only asked for "labors" of land. Regarding the claims of the original owners they expressed the idea that, since the original owners had deserted their lands, the newcomers should be entitled to them. Most of these new settlers had made improvements and had even paid for their lands in good faith but had never received clear titles. On March 18, 1828, the Secretary of Home Affairs issued a favorable report to their petition.³⁶ The gist of this opinion was that if the petitioners from Ayish Bayou, as well as those of Sabine, Tanaha, who numbered one hundred and forty-four families still desired to support the government, take the oath of the Constitution, and abide by the requirements of the Colonization Law, they could be admitted. The rebellious and unworthy were to be dispossessed while the others were to be issued contracts by the Commissioner. This did not occur however until 1835.

It is not part of our story to relate the happenings of the Fredonian Rebellion but a brief account is in order. Coupled with the threat Edwards had made to dispoil all who could not show titles were other vexing charges. The government felt concerned over the announcement that Edwards had made himself the Military commander and that he had interfered with the election of the alcalde. On November 22, forty men had seized

the alcalde Norris, and Sepulveda, a captain and military representative of the government in the district. On December 16, Benjamin Edwards, brother of the empresario, and thirty followers had marched into Nacogdoches and proclaimed the "Republic of Fredonia". The rebellion was not popular; few joined it. Dr. John Hunter and Richard Fields who were leaders in the Cherokee tribe promised support to the rebellion. When these two trouble makers tried to arouse the Indians, they were killed. Meanwhile the government had sent Colonel Ahumada with a force from San Antonio to quell the trouble. This group was joined by Austin's militia and two Companies under Colonel Bean from the Neches district. When this army arrived, the revolt evaporated.³⁷

After the Edwards contract was annulled, the Government redistricted the lands and adopted a new policy of forming the new grants into a buffer state against undesirables.

Robert Leftwich and Austin struck up a lasting friendship in Mexico while both were petitioning for land grants. Leftwich was one of the first four empresarios to receive a grant from the State of Coahuila, and his contract called for four hundred settlers. Robert Leftwich and Andrew Erwin had come to the capital as agents of "The Texas Association" of Davidson County, Tennessee. The company counted fifty-two members in the beginning but it eventually reached seventy-four. This

37 Cf. Barker, 173-201 for a fuller treatment of the Fredonian Rebellion.

group was generally located in Nashville and was often called the Nashville Company later. It must have been composed of men who had more than ordinary means, for the records show that they were able to expend considerable money on the enterprise although it never showed great promise of profit. When the State issued the contract, it did not make it out in the name of the Company but in the name of Leftwich. When the Association learned of this they were much concerned and disappointed, but as Barker explains, there was no provision in the law to recognize corporate bodies as an empresario. When Leftwich returned to Nashville they decided to pay him off. Erwin said the amount paid was fourteen thousand dollars which would have been excessive in view of the fact that they were paying him only for his services. To raise this amount there was a stock division and a levy was placed on the 592 shares. Dr. Felix Robertson visited the grant in the spring of 1826 to prepare for the immigrants. With him came the only settler who was to remain, Sterling Robertson; that fall three or four young men arrived,³⁸ but it is doubtful if they remained long.

On March 7, 1827, the directors of the Association asked that a new contract be drawn up and that Hosea H. League be named their agent and empresario. They claimed they had already³⁹ spent twenty-two thousand dollars on the enterprise. Barker

38 Ibid., 330-334

39 T.E.C., I, 25-28

says League had visited the territory the year before and had agreed to bring some families into the Austin Colony from where he thought he could transact the business of the Association. The second grant was approved October 15, 1827,⁴⁰ after Austin had interceded for and endorsed the contract. Still no settlers came as is evidenced by the statements⁴¹ of Amos Edwards and William H. Wharton who were members of the Association. These two men who probably understood the reasons for the company's failure to function ascribed these two reasons: 1. The stock-holders were not personally interested in moving to Texas; 2. they wanted to hold the land as absentee landlords hoping that at some future day these lands would become the property of the United States and then they could sell them at a great profit. In this matter the stock-holders were laboring under two mistaken notions. They evidently did not know the colonization law which forbade absentee landlordism; they were not entitled to land unless the first hundred and succeeding hundreds of⁴² settlers were established.

Austin showed his interest in the colony and did much work for them as this group would have protected his colony and the Little Colony from the Indians. In extent the Leftwich grant was larger than most of the early grants and lay in between the Colorado and Brazos Rivers, north of the San Antonio Road, which

40 Ibid., I, 31-35

41 Barker, 336-337

42 Ibid., 338-339

made it one of the fairest pieces of land in the whole state. The story of the grant after 1830 became a bitter quarrel with accusations and counter-accusations in which Austin became involved. When the government threatened to turn out the Tennessee claimants and give it to a foreign company, Austin became vitally interested for he immediately petitioned for the grant. In time the government acceded to the petition and the contract was turned over to Austin and Williams and was generally known by that name. This was Austin's fifth grant and was one of the causes, if not the principal one, for his falling into the bad graces of the government.

General Arthur G. Wavell was in Mexico City when Austin⁴³ arrived there. Barker calls him a soldier of fortune who held high commission in the Chilean government and army which were duplicated by the Mexican government when he fought in the revolution of 1821. He saw the possibilities of exploiting the land of Texas and he formed an agreement with Austin on July 4, 1822 to share the burden of a stock-company. He went to England where he hoped to raise the capital for an elaborate plan to colonize and for a company that would exploit the mining and timber, if not everything there was to exploit. He dunned Austin⁴⁴ with letters during 1822-1823.

Wavell obtained his grant for 400 families on March 9,

43 Ibid., 291

44 A. P., Wavell to Austin, Aug. 10, 1822; Nov. 16; Nov. 21; Dec. 10; Jan. 23, 1823; May 22, of the same year, etc.

1826 for a piece of land in the northeast corner of the state. This was within the Border Leagues along the Red River and Sulphur Ford.⁴⁵ His grant had a special provision not found in most of the other grants which provided that he must respect the grants previously made to the Shawnee Indians. After many years Wavell blamed the government interference with his failure to meet his contract.⁴⁶ The Register of the Translations of the Empresario Contracts shows that Benjamin Milam was appointed Wavell's agent and surveyor with power to assign land sites. According to this Milam contracted for 118 families or 406 people between July, 1825 and May, 1831.⁴⁷

Although he did little to use his contract, David G. Burnett was given a grant on December 22, 1826.⁴⁸ When the government annulled the Edward's Contract, it was about ready to formulate a new policy in regard to the land of East Texas. Joseph Vehlein,⁴⁹ a German merchant of Mexico City, received two grants, December 21, 1826 and November 17, 1828 in which he was to settle Germans, Swiss, and colonists from the United States. The other grant issued for this region was to Lorenzo de Zavala,⁵⁰ March 12, 1829. To this group we might add the grant made to Stephen Julian Wilson and Richard Exeter, Mar. 10, 1827, which

45 Colonization Papers 1829-1842, Archives of the Texas State Library MS.

46 Barker, 292, Footnote.

47 T.E.C., I,

48 Ibid., I, 120-123

49 Ibid., I, 116-119 and 172-177

50 Ibid., I, 186-187

was to be annexed to the previous grant Wilson had received in
 51
 May of 1826.

The Fredonian Rebellion and the spirit of animosity aroused in some of the government officials over the attitude of the colonists in East Texas naturally produced a reaction. A plan gradually took form which would place a ring of buffer colonies, settled by Mexicans, Europeans and loyal citizens, along the east and north border of Texas. A redistricting took place that involved the Zavala, Burnet, Vehlein, and the somewhat later grant to Filisola. The purpose was to hold back and effectively stop all undesirable colonists from the United States from penetrating into the interior colonies. This was the first step toward exclusion which was to take definite form in the Law of April 6, 1830. As a group all these colonies were connected with companies that hoped to exploit these lands by selling "land Scrip". The best known Company was the Galveston Bay Texas Land Company, which was backed by Boston and New York capitalists.

In regard to the colonies not yet treated, a passing comment should suffice. The Hewetson-Power contract, June 11, 1828, called for the establishment of one hundred Mexican and
 52
 three hundred Irish families. The empresarios experienced difficulties from two sources; from the fact that DeLeón con-

51 Ibid., I, 163-167

52 Ibid., I, 139-150

tested part of their grant and from the fact that the old Mission of Refugio was within their land grant. The Decree No. 177 of the State Congress of Coahuila decided that the lands of the Mission were to be auctioned. The Mexican families still living on the Mission lands were to be given, out of the empresarial grant, the amount they were entitled to as colonists as well as a yoke of oxen and the farming implements of the Mission.

The McMullen-McGloin Colony received, October 30, 1828⁵³ the title to the Drake, Purnell and Lovell grant. These men had decided to resign their claim after Purnell was drowned near Corpus Christi, while attempting a colonizing enterprise. This new grant was next to and north of the Hewetson Grant in the extreme southwestern part of the State. In 1829 the schooner "Albion" and the brig "New Packet" out of New York brought fifty-three Irish colonists.⁵⁴ Sometime between 1830-1835 seventy-five more colonists were brought in and given patents to land in San Patricio County. This is merely given to show that the colony was not progressing very rapidly.

The grants not yet mentioned are the Woodbury Grant, the most extensive of all, and the three in the Panhandle, the Padilla, the Chambers, and the Dominguez grants. Of these four and the Cameron contract, little is to be found in the nature of

53 Ibid., I, 156-158

54 Colonization Papers 1829-1842 Archives, Texas State Library, Colonists Introduced by McMullen & McGloin in 1829.

records. This field of research is still open but it is quite certain that they did not introduce any appreciable number of colonists.

A rapid survey of the work done by the Minor Empresarios shows that many grants were given but few succeeded. Some of them maintained to have spent fortunes on their endeavors, but all came to grief in their colonizing efforts.

Chapter V

The Character of the Colonies and Colonists

The passage of the Law of April 6, 1830, was aimed to exclude the immigrants from the United States and it marked the end of most of the colonizing projects, except Austin's under the empresario plan.¹ The flow was perhaps temporarily lessened but did not stop when the news of the passage of this act reached the United States. In the five years (1830-1835) before the Revolution, the word was passed along that the law could be violated with impunity. The actual number of colonists who unlawfully entered Texas probably will never be determined because these unlawful entrances were kept secret, many documents were lost or destroyed in the Revolution, and because the exaggerated partisan claims cloud the issue. General Terán and Alamán thought the number of Anglo-American colonists who had come to Texas during the fifteen years preceding the Revolution was well over forty thousand. The supporters of the Mexican government could see less good in the colonies or colonists as the controversy heightened. Austin and his group naturally tried to minimize the number and they did all in their power to defend the opposite view concerning the character of the colonies

1 Four grants were given after the passage of this law but they were neither intended nor did they encourage colonists from the United States to come to Texas.

and colonists. It is the purpose of this chapter to show some of the factors that went into making the colonies and colonists.

The question of slavery was a vital one for the Texas colonists as it formed the starting point from which the exclusion policy sprang. Austin's own views underwent several changes. He at first thought slavery was indispensable for the progress of Texas, but his personal feelings on the subject and several other factors at work on him until 1832 made him discreetly spread propaganda against the cause of slavery in Texas. However, before the close of that year the colonists demanded slavery so strongly that he reverted reluctantly to his former position on the question.²

On July 13, 1824, the federal government issued the "Prohibition of Commerce and Traffic in Slaves". This act declared against the traffic in slaves and said that slaves introduced contrary to the spirit of this law were free by putting foot on Mexican soil. Ramos Arizpe, Father Mier, and Seguin took a stand on the new law that is rather difficult to explain. In principle they were opposed to buying and selling slaves but nevertheless they supported the continuance of slave holding in Texas as long as there was no traffic in slaves. Just how they expected slavery to maintain itself, if the supply of slaves was cut off, is not quite clear. The only hope the colonists still had, lay in obtaining a favorable interpretation from the

State Congress of Coahuila. The slaves in the First Colony had been tacitly recognized awaiting later legislation on the matter. The interpretation placed by the colonists at the time was that these people were not Africans but former servants who had been born and raised in the households of the present masters. The act recently passed by the government held that children born in the colony should be free at fourteen. By a specious sort of reasoning Austin and the others placed this construction on the law. If the first settlers would not maintain their rights, as granted in this state act, they could hold slaves through succeeding generations as the government had guaranteed the protection of the settlers' property in an act of the federal constitution.³

The state constitution was about to include, July 1826, a clear-cut order forbidding slavery. Saucedo and Austin sent Memorials to Congress, and Bastrop and J. E. B. Austin lobbied frantically against it. Congress relented slightly, granting a six months extension for the introduction of slaves but countered with freeing the slaves at birth. Finally Austin, working through the two representatives of Texas, Navarro, and Arciniega, was able to slip a concession through the State Legislature during an unguarded moment. The law read:

All contracts not contrary to the laws of this State made in foreign countries between emigrants to, or

inhabitants of this State and servants or hirelings introduced by them are guaranteed as valid in this State. 4

The next step in the controversy was President Guerrero's decree of September 15, 1829. General José M. Tornel induced the president to take a hand in the matter by issuing an act which Tornel thought would effectively check immigration, as he was hostile to all Americans. Músquiz, the Political Chief, protested vehemently and asked Governor Viesca to use his good influence with the President to exempt Texas from the law. This was granted and circulated in the Austin Colony on December 24. It was about this time that President Andrew Jackson sent Colonel A. Butler with instructions to Poinsett, our Minister to Mexico, that he should try to purchase Texas from Mexico. Butler stopped and visited Austin, and they probably exchanged views and confidences that gave the empresario an insight into the attitude of the chief executive of the United States. Austin at the close of 1829 and the beginning of 1830 wrote enthusiastically on the subject of immigration, for he mentions in several letters that emigrants were pouring in. In one month⁵ alone, he states, more than two hundred persons entered. With the spring the empresario's enthusiasm was to be killed for,

Then came the federal law of April 6, 1830, which

4 Ibid., 234-241. The law is also found in Gammel's Laws of Texas, I, 213.

5 Barker, 243-252; A. P. II, 399-401. Austin says there were 300 in one group and 100 in another awaiting settlement.

recognized existing slavery but forbade further introduction of slaves and prohibited, apparently, further settlement of immigrants from the United States in Texas. 6

Barker says, "Guerrero's emancipation decree sought by indirection—to stop the flood of immigration." It was evident that the Mexican government had observed with growing alarm the policy of the United States for Mexico. The experience in Florida, the eastern boundary dispute of Texas, the aggressiveness of the colonists in Texas, the recent offer of Jackson to purchase Texas, and the knowledge that the newspapers in the United States were carrying articles concerning the speculations of several dubious land companies that were attempting to sell "scrip" on lands in Texas, all convinced Mexicans that the United States was hostile to Mexico. A current story made the rounds that for an investment of ten dollars in scrip one might obtain one thousand acres. Similar untrue statements were being spread that convinced anyone acquainted with the facts that the men interested in the sale of lands were perpetrating a fraud.⁷

8

Poinsett was involved in the party politics of the Mexican

6 Ibid., 353

7 Ibid., 296-299

8 James Morton Callahan, American Foreign Policy in Mexican Relations, 25-36, New York, 1932. See also, Joel R. Poinsett, Notes on Mexico, London, 1825; William R. Manning, Early Diplomatic Relations between the United States and Mexico, Baltimore, 1916; and Dorothy M. Parton, The Diplomatic Career of Joel Roberts Poinsett, Washington, D. C., 1934, Catholic U. Thesis.

government. The Yorkino Party, a branch of the Masonic Order, which Poinsett helped to found, caused a number of men who were then in high standing in the government to be violently opposed to anything Poinsett did. Austin wrote⁹ that he had read in the newspapers, but had no proof, that Poinsett had intermingled "with the internal affairs of Mexico...organised political parties...fomented disunion—that his object in doing so was to defraud this Govt. out of Texas." Certainly Poinsett was not well received by one group of the government and his dismissal was finally demanded by the government.

However, Barker points out that, "the decisive influence in bringing about the law of April 6, 1830, was General Manuel de Mier y Terán". During 1828 he had served on the boundary commission and had lived at that time in Nacogdoches. He came back with the worst opinion possible of the settlers in Texas. He reported to President Victoria,

The whole population here is a mixture of strange and incoherent parts...numerous tribes of Indians, now at peace, but armed and at any moment ready for war...; colonists of another people, more aggressive and better informed than the Mexican inhabitants, but also more shrewd and unruly; among these foreigners are fugitives from justice, honest laborers, vagabonds and criminals, but honorable and dishonorable alike travel with their political constitutions in their pockets, demanding privileges, authority, and officers which such a constitution guarantees. 10

He says further, that the slaves were beginning to learn the

9 A. P. II, Austin to S. Rhoads Fisher, 423-429
10 Barker, 302

favorable intent of the Mexican law in their behalf; that the Mexicans were poor and ignorant; that the civil officers were venal and corrupt; and the "incoming stream of new settlers was increasing". He sums up his report with definite recommendations, and the opinion that if slavery is not repealed Texas would soon become a powerful state.

In September, 1829, Terán became Commandant General of the Eastern Internal Provinces which made him responsible for the defence of Texas. He recommended this plan to defend Texas:

1. a military occupation of Texas must immediately take place;
2. Mexican and European colonists, especially Swiss and Germans, should be introduced;
3. an economic bond between Texas and Mexico must be developed by carrying on coastwise trade.

These three points were incorporated into the law, which appeared with the approval of Bustamante, acting president. Austin received the information directly from Bustamante as they were friends of long standing, the former having been Commandant in Texas for years. There can be no question that Austin was chagrined at the turn of events, but he dissembled his true feelings when writing to the government or prospective colonists. In all his correspondence on the subject he expresses a note of confidence that the situation will right itself.

11 Ibid., 304. See also Alleine Howren, "Causes and Origins of the Degree of April 6, 1830", Quarterly, Southwestern Historical Association, XVI, 378.

12 A. P., II, 370-445 *passim*

A paragraph from a letter written July 11, 1830, gives Austin's views on his colonies and colonists,

Our colony matters are getting along very well, there is the utmost harmony among the settlers and between them and the Government. All the difficulties which appeared to be brewing...about stopping emigration from the U. S. have passed away and I have been officially informed that I can go on and introduce the whole number of families I have contracted for and finish all my contracts. My standing with the Govt. has always been good and it is better now than ever, for they know more of me owing to the investigations which the stir in april created, by which it has appeared that I am the only empresario that has done any thing who has performed his duty and followed the law in good faith. The advertisements in U. S. papers by D. A. Smith and others to sell millions of acres of Texas has done great harm for all that kind of speculation is fraudulent and it threw a shade of suspicion and censure at first, over all the empresarios. My letter to Mr. Leaming that was published in the Nat. Gazette has made some of those speculating gentlemen my bitter and deadly enemies—and they are now secretly at work in Mexico to try and get revenge by injuring me—they will find themselves gnawing a file. 13

Certainly Austin had no illusions regarding himself or his work. He understood conditions as they were and he faced the facts frankly although he knew when to keep his confidence, as is revealed in his dealing with the government. He showed evident displeasure with the men who speculated with the lands of the Burnet, Vehlein, and Zavala grants. He knew the colonizing attempts in the southwestern part of the state were making no headway against the tide of misfortunes that beset them. He showed interest and sponsored the cause of DeWitt as he felt

that empresario was making an honest effort to complete his contract despite difficulties and hindrances placed in his path by De León. Austin seconded the work of Leftwich, the Nashville Company, and Robertson, until the latter denounced him as a traitor. Each colony reflected the character of its empresario. Success is generally measured by the amount of work accomplished; some empresarios undoubtedly labored hard for their colonies but lacked the persistence to see the work through to a successful conclusion. Success in this case can be judged objectively only in the number of settlers fixed on the land.

Austin says of himself,

Instead of roaming about other countries to speculate I have devoted my life to the arduous task of trying to redeem this country from the wilderness and I have succeeded greatly beyond what I supposed possible, for I was ridiculed by some for attempting such a thing. I had no capital, and have supplied its deficit by personal labor and attention, and by putting my shoulder to the wheel in earnest and in good faith. I have not made a fortune for myself (except in lands which now have no value) and probably shall not live to derive much personal benefit, but I Have greatly benefited many others, hundreds of them, and made them and their families rich who were worth nothing before, and I have opened and enlarged a fine field for human enterprise and human happiness. This has always been the main object of my ambition and not a mere avaricious view to personal speculation. I have no fears that my motives or my acts will not receive the reward in public opinion which they merit... . 14

Some indication has already been given regarding the

strange and mixed character of the colonists along the eastern border of Texas. When the Edward's Colony failed to function, the whole responsibility of maintaining order reverted upon the alcalde of Nacogdoches and the Commandant of that place. To imagine, as did Terán, that the Edward's colony was representative of all the colonies of Texas, would be a generalization that would be quite unfair to the others. The colonies of Austin, DeWitt, De León, Milam, Hewetson-Power, and McMullen-McGloin were sufficiently removed from the border influence to be affected by it, and they were consequently free to devote their whole energies to a peaceful development. If any should have been affected, it would have been the First Colony. However, Austin from the very beginning kept a vigilant eye upon the type of colonists entering. He instructed his alcaldes to keep him informed on this subject, as he had the final responsibility of approving the applications for land before they were sent to the Commissioner. We have already seen that Austin did not fail to order undesirables out of his colony and even give corporal punishment to the worst offenders. It is true that the other colonies did not have the efficient rule that Austin gave to his colony, but they tried to imitate him and his system.

F. J. Turner has observed,

The peculiarity of American institutions is, the fact that they have been compelled to adapt them-

selves to the changes of an expanding people—to the changes involved in crossing a continent, in winning a wilderness, and in developing at each area of this progress out of the primitive economic and political conditions of the frontier into the complexity of city life. 15

Such was the experience of the colonists in Texas as regards the administration and control. When Austin took over the administration of his First Colony, he asked the settlers to band into groups to elect alcaldes who would represent him, carry out his decrees, and maintain order. His proclamation of July 6, 1826, indicated the six alcalde district meeting places: Bravo, San Felipe, Victoria, Mina, Colorado, and San Jacinto.¹⁶

The civil code was administered by sheriffs appointed by Austin, who were "to execute their own processes as judges", and by alcaldes who were assisted by constables. The duties of the alcaldes were comparatively simple in the beginning, but as time went on they became more complex. The Instructions and Regulations for Alcaldes issued January 22, 1824, fixed the jurisdiction and judicial procedure. The alcalde acting alone had final jurisdiction in a civil suit up to ten dollars; with arbitrators, he had final judgment up to twenty-five dollars; and primary jurisdiction, subject to appeal, up to two hundred dollars. The alcaldes were to settle as many of the disputes out of court as could be arranged. The criminal code of alcaldes covered of-

15 Frederick J. Turner, The Frontier In American History, New York, 1921, 2

16 A. P., II, 1369-1370

fenses by and against Indians and slaves and such other crimes as: murder, theft, robbery, gambling, drunkenness, and counterfeiting. These cases were to be tried by the alcaldes and a jury of six. The most common penalty was a fine, but hard labor, whipping, and even banishment from the colony were imposed when the case warranted. Cases of capital punishment had to be referred to the Political Chief.¹⁷

Barker points out that the chief duties of the alcaldes were: they received and announced orders and decrees from Austin, they were the local correspondents, they were Austin's informants on public sentiment, they supervised elections, civil and military, they had to keep wandering Indians and vagrants out of the colony, they settled quarrels, attested contracts, and performed civil marriages awaiting the arrival of the curate. After July, 1826, Austin found it impossible to hear all the appeals from the alcaldes' courts and it was then that a superior court of alcaldes was created. When any three of the alcaldes jointly heard a case the court was considered a superior tribunal. The local government of a community was confided to the ayuntamiento. San Felipe de Austin¹⁸ is the best example and probably the only one which is representative. Even here only part of the Minutes of the Ayuntamiento have been found since most of them were destroyed when the invading army of Santa Anna caused

17 Barker, 124-125
 18 E. C. Barker, "The Government of Austin's Colony," 1821-1831, Quarterly, Southwestern Historical Association, XXI, 242-252

19

the inhabitants to burn the town.

The problem of determining the number of people in Texas in any given year of this period is still open for solution. A compilation of statistics from the Nacogdoches Archives, Census Reports, from the Bexar Archive letters, and from the land grants as now filed in the General Land Office may some day be made. The student who attempts this task should start with the card file recently completed by the Land Office, which shows that more than five thousand "families" received grants of land between 1820-1835. If a conservative estimate is made that each family represents four persons (there are some with as many as a hundred, slaves included), then twenty thousand souls can be accounted for without difficulty. It is a well-known fact that these records are not complete for various reasons, the main one being that all clandestine entries were outlawed. The Census Reports of the alcaldes of Nacogdoches, the most important gateway to Texas, did not record the settlers as they passed through but merely those who stayed within the vicinity. As these reports are annual records they often contain duplications.

A census report submitted by Austin to the government,
²⁰
 March 28, 1826, included San Felipe and the five leagues
²¹
 around the town. This census report gives the total population

19 Barker, Minutes of Ayuntamiento de San Felipe, Quarterly Southwestern Historical Association, XXI-XXII-XXIII-XXIV

20 Records of General Land Office, Vol. 54, 18, part 2, 7.

21 Wilma Harper Moore, History of San Felipe de Austin, U. of Texas Thesis, 1929.

in this area as 1800, of whom 227 were servants and 443 were slaves. Census reports should have been made yearly as can be seen from numerous orders in the Bexar Archives. There is a census report of Nacogdoches for 1828, which is filed under March 31, 1829.²² This tabulation shows a total of 2021 in the San Felipe district. In the same year the districts of Nacogdoches and the Trinity reported 855, of whom 61 were slaves.²³ No reports are to be found for San Felipe in 1829, but Nacogdoches gives its total at 752.²⁴ In 1830 the San Felipe district again reports with a total of 4280, while the districts of the Trinity and the Atoyaque Rivers report a total of 776.²⁵ Other reports can be found for the years 1831, 1832, and 1834, at which time it was estimated²⁶ that there were twelve thousand in the Austin Colony. It is here stated that many more came only for a few days to seek land titles. The men out-numbered²⁷ the women ten to one.

These reports on the population do not include the other colonists brought in by the other empresarios, which we have already seen were not numerous even up to 1830. After the Austin Colony, probably the most densely populated areas were: the eastern border, now Sabine and Shelby counties, where

22 Nacogdoches Archives, Census Reports, Texas State Library.

23 Ibid.,

24 Ibid., Submitted June, 1829

25 Ibid., Submitted June, 1830

26 Johnson-Barker, Texas and Texans, I, 174

27 Moore, 54

Crocket estimates there were 100 families in 1830, while Bugbee estimates that there were one thousand in the same area already in 1825; the DeWitt Colony had 181 settlers and the 54 families which were allowed in the Exclusion Act of April 6, making about 300 souls; and De León, Milam, Hewetson-Power colonies, according to the figures given earlier could not have had more than about 300. It would seem from these figures that the American settlers in Texas in 1830 did not reach fourteen thousand.

The most important center of population in Texas in 1830 was the old town of Bexar but as no colonizing enterprises were permitted to approach within thirty miles of it, we are not concerned with it. It was not until after 1830 that the denser areas of population were distinguished by the names of towns; previously they were called by districts. As Austin required his colonists to take up lands along side each other, the denser areas depended on several factors. Either the settlers grouped around the first settler in the district or around a more prosperous colonist, or in areas that proved more fertile. Before 1830 there were, or had been at one time, towns at Nacogdoches, San Augustine, Angelina, Tanaha, Goliad (Bahía), Victoria, Gonzales, Tenoxtitlan and San Felipe de Austin. The first reliable map that indicates the towns is dated 1835. Here are found, besides

those towns already enumerated, Anahuaca, Bevil and Terán in the east; Brazoria, Lynchburg, Harrisburg, Bolivar, Orazimba, Columbia, Velasco, Montezuma, and Cotes Settlement in the center; and San Pátricio in the southwest. The point may be raised that there were no towns at these places in 1830, which is probably a fact. However it is a fact also that the towns sprang up where the largest number of settlers gathered. Can we conclude from this that these areas were already in 1830 sufficiently populated to bud into towns in the next five years? There is some evidence to support an affirmative answer. A typical example might be cited in the case of Brazoria. A traveler²⁹ who visited Brazoria in March, 1831, says that the town had been founded the year before. He said it consisted, at the time of his visit, of thirty houses, all log houses except "Three brick and two or three framed, and several more buildings." On the other hand, scattered notices can be found in a New Orleans newspaper³⁰ as early as 1827 that ships were carrying supplies to the Texas colonists in the Brazoria district. After February, 1831, Mr. Fuller, Master of several small crafts, plied back and forth regularly from New Orleans to Brassoria³¹ (Brazoria), Matagorda, and Aransaso.

The story of the trade of Texas in this period and the

29 Fiske (?) A Visit to Texas, New York, 1834, 30

30 New Orleans Commercial Intelligencer, beginning June 6, 1827. "Sarah Jane, Pierce (Master). To sail soon. Apply to Nathaniel Cox."

31 Ibid., February 19, 1831 and forward.

32

years preceding is still to be written. Moore says that trade with New Orleans became important at this time. Goods were brought and unloaded at Bell's Landing where they were covered with cow hides until conveyed to San Felipe. This trip was fifty miles and required from four to six ox teams in good weather, but during the wet season it was impassable. Cotton was the chief export and after 1831 vegetables were abundant. Butter, cheese, and pelts were sent out in exchange for the most common imports of clothes, furniture, and fancy groceries. The Austin Papers contain extensive material on trade.

It is a well known fact that Spain wanted only Catholics to emigrate to the Americas. Regarding religion, we have already shown the government's policy and its operation in Louisiana. The interpretation finally reached a stage where³³ "Many non-Catholic religions had been tolerated in Louisiana." In Texas the toleration of non-Catholics was never quite as freely admitted, but in practice there was a great deal of non-observance of the law. Austin always officially had great respect for the law and in the first years his writings insist strongly on the observance of the decrees pertaining to religion, but as the years go on he becomes less insistent, possibly

32 Moore, 24-29 quotes from Parker's A Trip to the West and Texas

33 Hatcher, The Opening of Texas to Foreign Settlement, 81. See also, I. J. Cox, The West Florida Controversy, 21-22; T. Roosevelt, The Winning of the West, IV, 252-253; Jared Sparks, American Biography XXIII, 169-170

due to these two causes; first, the Government took no specific steps to enforce the law and second, the State of Coahuila did little to comply with its obligation of supplying priests for the colonists. This lack of clergy and funds to support them left the colonists without priests except for a few irregular calls from Bexar.³⁴

There have been some attempts to study this problem but a clear, comprehensive, and sympathetic treatment still has to be written. The earliest historians of Texas express the views commonly held by early settlers. The lack of critical analysis by these historians has since tended to distort the picture. Most of the settlers began with the premise that since there was no state religion in the United States the same should hold in Spanish lands. They could not quite comprehend that a government might establish a religion by law. Fundamentally, the opposition rested on the fact that absolute toleration was not granted, and on the fact that the Roman Catholic faith, the religion most of them knew little of, and had been taught to fear, was the established religion. The Mexican historians, V. Filisola,³⁵ and Alamán, among others, felt keenly the flaunting of the law. Yoakum's History expresses this view,

34 Sister M. A. Fitzmorris, Four Decades of Catholicism in Texas 1820-1860, Washington D.C. Catholic U. Thesis, 1926, Chapter I

35 Vincente Filisola, Memorias Para la historia de la Guerra de T  jas, 2 vols. Mexico, 1848, I, 126. Regarding the observance of the law he says, "con nada de esto se compl  a, ni por parte de los empresarios, ni de los colonos."

It is not unsafe to affirm that, in the face of this law, nineteen twentieths of the colonists of Texas neither observed nor believed in the religion prescribed in the Mexican constitution; and it may be further said that they believed that constitution had no right to prescribe any rule of faith on the subject. Yet such was the law. 36

The Austin Papers have ample evidence to show that many inquirers on the conditions in Texas were concerned over the religious requirement. Doubtless the law kept out many in the first years but in the later years it did not exert the same influence.

37

The General Land Office Report of 1920 specifies that 9,428 families——"although the number of families probably exceeded this figure"——were in Texas in 1832. It would be impossible to study the character of such a large group. It may be assumed that they were no worse nor better than the average marginal agriculturalist or mechanic in the western part of the United States at that time. The land and money crises had forced them to seek new and cheap lands in Texas; and with their coming they brought their virtues and vices. Doubtless too much emphasis has been placed on the fugitives from justice and

36 Henderson Yoakum, History of Texas from its Settlement in 1765 to its Annexation to the United States in 1836. 2 Vols., New York, 1856

37 A. S. Lang, Financial History of Public Lands, Waco, 1932. Lang quotes these figures. Although they go some years beyond this study they fix definite figures. The number of families counted included those up to May 1, 1832. In regard to the number of acres granted, all lands given up to November 13, 1835, were included. This amounted to 26,280,000 acres. It is to be observed that "probably most of this acreage was disposed of under the empresario contracts."

the highly undesirable type of settler. The rank and file of pioneers were rough, honest, and hardworking.³⁸ Many of the fugitives in Texas were men who had become involved in debts that they could not pay, and they sought refuge in this foreign land. Austin himself was one of this group.

The largest number of colonists were agriculturalists who found corn and cotton the most profitable crops.³⁹ Almonte estimates there were 50,000 barrels of corn harvested, none exported, and 3,000 bales of cotton, weighing from three to five hundred pounds, exported in 1833. The next largest group shown on the census reports were the artisans, but the list runs from professional men to the day laborer. Regardless of previous occupation, when these men were hard pressed for employment they turned even to hiring themselves out. An interesting case of this changing of occupation, which proved highly successful, was the one of Gail Borden. He had been a blacksmith, but became a cook, at which he earned fame as the inventor of a formula for soup "bisquits" which came to be in great demand by sailors touching on the Texas coast. He later developed the formula for evaporated milk which has come down to us as "Borden's Eagle"⁴⁰

38 Joseph W. Schmitz, Thus They Lived, San Antonio, 1935, 1-28. The author in this work deals with the social character of the early settlers during the first years of the Republic. The customs and way of life had changed little since it was a Mexican State.

39 "Almonte's Report on Texas", Quarterly, Southwestern Historical Association, XXVIII, 201-202

40 Moore, 39, Quoting from Noah Smithwich's Evolution of a State., 62

Brand Milk."

There were few chances for receiving an early education as books were scarce and schools almost unknown. Writing of the town of San Felipe, Moore says,

The proportion of children attending school in 1828, was one in eight. This proportion dropped in 1830, to one in twelve, and diminished to approximately one in fifteen for the year 1831, while the municipality was still served by only four schools. 41

The number of immigrants kept increasing after 1830, even in a faster tempo than before. The flow of immigration had been set in motion by the inducements of the Mexican government and the work of the empresarios. When the government decided to stem the tide of immigration it found the task impossible. The plans for colonization had gone beyond control and the major colonizing enterprises had been effected.

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Master of Arts.

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